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CONSTITUTION

AND

LAWS

OF THE

MUSKOGEE NATION.

Published by Authority of the National Council.

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CONSTITUTION.

In order to form a perfect union, establish justice, and secure to ourselves, and our children, the blessings of freedom, We, the people of the Muskogee Nation, do adopt the following Constitution :

ARTICLE I.

Sec. 1. The law-making power of this Nation shall be lodged in a Council, which shall consist of two houses: the House of Kings and the House of Warriors.

Sec. 2. The House of Kings shall be composed of one representative from each town. Each member shall be elected by the vote of the town which he represents, and shall hold his office for four years.

Sec. 3. The House of Warriors shall consist of one representative from each town, and an additional representative for every two hundred persons belonging to the town. Each member shall be elected by the vote of the town which he represents, and shall hold his office for four years.

Sec. 4. The members of Council shall receive such compensation out of the National Treasury as shall be provided for by law.

Sec. 5. A majority of the members of each house shall constitute a quorum; but a less number may adjourn from day to day and compel the presence of absentees.

Sec. 6. Each house shall judge of the returns and qualifications of its members, impeach a member for disorderly conduct, and, by the concurrence of the two-thirds of both houses, expel a member. Neither house

shall adjourn for a longer period than two days without the consent of both houses.

Sec. 7. The House of Kings shall elect its own President, and the House of Warriors shall elect its own Speaker.

Sec. 8. Each house shall choose its own secretary, whose pay shall be provided by law, and whose term of office shall continue at the discretion of the house which he serves.

Sec. 9. No person shall become a member of either house, who shall not be an acknowledged citizen and who shall not have attained the age of twenty-two years.

Sec. 10. The style of the action of the Council shall be: "Be it Enacted by the National Council of the Muskogee Nation."

ARTICLE II.

Sec. 1. There shall be a Principal Chief, to be styled the "Principal Chief of the Muskogee Nation," who shall be elected for the term of four years, by a majority of the votes of the male citizens of the Muskogee Nation, who shall have attained the age of eighteen years. There shall also be a Second Chief, who shall be chosen for the same term, in the same manner as that prescribed for the election of the Principal Chief, and in case of the death, resignation, or removal from office of the Principal Chief, he shall perform all the duties of that officer.

Sec. 2. No person shall be eligible to the office of Principal or Second Chief of the Muskogee Nation, who is not a recognized citizen of the same, and who shall not have attained the age of thirty years.

Sec. 3. The Principal Chief is hereby invested with the reprieving and pardoning power. He shall see that all the laws of this Nation are faithfully executed and enforced; shall make an annual report to the National Council of the condition of affairs in the Nation; and shall recommend such measures as he may deem necessary for the welfare of the Nation.

Sec. 4. Whenever any bill or measure shall pass both houses, it shall be submitted to the Principal Chief for his approval or rejection. If he shall approve it, it shall become a law. If he shall object to it, he shall, within five days, return it, accompanied by his objections, to the house in which it originated; and if not so returned within five (5) days, it shall become a law. If after a bill or measure has been vetoed by the Principal Chief, it shall again be submitted to the two houses, and receive a favorable vote of two-thirds of both houses, it shall become a law.

Sec. 5. Whenever any bill or measure shall pass both houses and be submitted to the Principal Chief for his approval or rejection, within five days before an adjournment, he shall be allowed the first three days of the next Council within which to return the same.

Sec. 6. The Principal Chief shall be allowed to select a private secretary, who shall be compensated out of the National Treasury as provided by law.

ARTICLE III.

Sec. 1. The supreme law defining power in this Nation shall be lodged in a high court, to be composed of five (5) competent recognized citizens of the Muskogee Nation, who shall have attained the age of twenty-five (25) years. They shall be chosen by the National Council for the term of four years, and shall be paid as provided for by law.

Sec. 2. This court shall meet on the first Monday in October in each year, and shall have power to try all cases, where the issue is for more than one hundred dollars (\$100). Three members shall constitute a quorum.

ARTICLE IV.

Sec. 1. The Muskogee Nation shall be divided into six (6) districts, and each district shall be furnished with

a judge, a prosecuting attorney and a company of light horsemen.

Sec. 2. The judge shall be chosen by the National Council for the term of two years. He shall try all cases, civil and criminal, where the issue does not exceed one hundred dollars. He shall have the right to summon twenty-four disinterested men, out of which number there shall be selected, in criminal cases twelve, and in civil cases nine, who shall sit as jurors. He shall also be allowed, a clerk whose pay shall be provided for by law. The judge's pay shall be provided for by law.

Sec. 3. Any person failing to obey a summons to serve as juror, without good reason for such failure, shall be fined the sum of five dollars (\$5). Each juror whilst in service shall receive one dollar per day.

Sec. 4. The prosecuting attorney shall be appointed by the Principal Chief, by and with consent of the National Council. It shall be his duty to indict and prosecute all offenders against the laws in his district. For each convict he shall be paid the sum of twenty-five dollars (\$25).

Sec. 5. The light horse company shall consist of a captain and four privates, who shall be elected for the term of two years by the vote of the district, and shall be subservient to the orders of the judge. Their compensation shall be provided for by law.

ARTICLE V.

Sec. 1. There shall be a National treasurer, who shall be selected by the National Council for the term of four years. His duty shall be to receive and receipt for all National funds and to disburse the same as shall be provided for by law. He shall report the condition of the National finances to the National Council at least once every year. He shall be required to bind himself in a bond of five thousand dollars (\$5,000), with good security, for the faithful performance of his duty. He shall be paid as provided for by law.

Sec. 2. No moneys shall be drawn from the National Treasury except to carry out appropriations made by the National Council, and when such an appropriation is so made, the Principal Chief shall issue a draft upon the treasury to meet the same.

ARTICLE VI.

Sec. 1. There shall be a National interpreter, who shall be elected by the National Council for the term of four years, and who shall be compensated according to provisions of law.

ARTICLE VII.

Sec. 1. All officers of this government shall be liable to impeachment, trial and removal from office for neglect of duty.

Sec. 2. All bills of impeachment shall originate in the House of Warriors.

ARTICLE VIII.

Sec. 1. No laws impairing contracts shall be passed.

Sec. 2. No laws taking effect upon things that occurred before the enactment of the law shall be passed.

ARTICLE IX.

Sec. 1. All cases shall be tried according to the provisions of the respective laws under which they originated.

Sec. 2. All persons shall be allowed the right of counsel.

ARTICLE X.

Sec. 1. All treaties shall be made by delegates, duly recommended by the Principal Chief, and approved by the National Council; and such treaties shall be subject to the ratification of the National Council.

Sec. 2. The treaties shall be the supreme law of the land.

LAWS.



CHAPTER I.

NATIONAL EXECUTIVE OFFICERS.

- ARTICLE I. Principal Chief.
- II. Second Chief.
- III. National Treasurer.
- IV. National Auditor.
- V. Superintendent of Public Instruction.
- VI. National Interpreter.

ARTICLE I.

PRINCIPAL CHIEF.

Sec. 1. The Principal Chief shall on the fifth day of December next following his election, enter upon the duties of his office. He shall be installed by the Chief Justice of the Muskogee Nation, and shall not be recognized as being properly qualified to discharge his duties until he has taken and subscribed to the following oath, to-wit:

I (name) do hereby most solemnly swear, in the presence of Almighty God, that I will truly and honestly support the Constitution and Laws of the Muskogee Nation, and will faithfully discharge all the duties of my office to the best of my ability. So help me God.

Sec. 2. In cases of great necessity he shall have power to convene the National Council, by issuing an order to the President of the House of Kings and the Speaker of the House of Warriors, to call the members of their respective houses to convene.

Sec. 3. He shall have the power to suspend any judicial or executive officer who neglects the duties of his office, or is guilty of misdemeanor in the same, and when a vacancy shall occur in any of the branches of

this government, from this or any other cause, he shall fill such vacancies *pro tem.*, until the National Council shall convene, when all such vacancies shall be filled by legal election.

Sec. 4. He shall have the issuance of all National warrants, but no warrants shall be issued until an appropriation by the National Council has been made to cover the same.

Sec. 5. He shall appoint the trustees for the Manual Labor Schools, the National Board of Examiners, and such other National committees whose appointment shall not be otherwise provided for by law.

Sec. 6. He shall nominate to the National Council the National auditor, the district attorneys, and the delegates to Washington City.

Sec. 7. He shall have the issuance of all commissions from the Muskogee Government, and of all permits to non-citizens, and certificates of citizenship, where the same is not otherwise expressly provided for by law.

Sec. 8. He shall be chairman of the National Mill Committee.

Sec. 9. He shall have the power to call an international convention or council of the Tribes or Nations residing within the limits of the Indian Territory, whenever the same shall be necessary for the welfare of the Indian race.

Sec. 10. He shall be the medium through which this Government shall communicate with foreign powers, where the same is not otherwise expressly provided for by law.

Sec. 11. He shall constitute the executive head of this Nation.

Sec. 12. He shall be allowed one private secretary, who shall receive an annual salary of three hundred dollars (\$300); but he shall have the right to appoint no person to that position who is not a native born citizen of the Muskogee Nation.

Sec. 13. He shall have his office in the National capitol building.

Sec. 14. He shall receive an annual salary of one thousand dollars (\$1000), and shall hold his office for a period of four years.

Sec. 15. He shall be subject to impeachment and removal from office for neglect of duty, or crimes or misdemeanors in office.

ARTICLE II.

SECOND CHIEF.

Sec. 1. In case of the death, removal or suspension from office of the Principal Chief, the Second Chief shall act in that officer's place.

Sec. 2. He shall be installed in the same manner, at the same time, and hold his office for the same period as the Principal Chief, and shall be subject to the same laws regarding impeachment as that officer.

Sec. 3. He shall be a member of the National Mill Committee.

Sec. 4. He shall receive an annual salary of seven hundred dollars (\$700).

ARTICLE III.

NATIONAL TREASURER.

Sec. 1. The National treasurer shall be elected by the National Council, at the regular session next succeeding the general National elections, and shall enter upon the duties of his office on the fifth day of December following. He shall be installed in the same manner as and by the same officer who installs the Principal Chief; and until such installation he shall not be competent to perform the functions of his office.

Sec. 2. He shall receive, have charge of and disburse the funds of the Muskogee Nation, according to the provisions of the National Council.

Sec. 3. He shall have charge of the youths who are at institutions of learning in the States at the cost of the Muskogee Government.

Sec. 4. He shall be a member of the Mill Committee.

Sec. 5. He shall have his office at the National capitol building, and shall be present at Okmulgee, either in person or by a competent deputy empowered to act for him in all matters, at least one week at the close of each quarter, and during the entire sessions of the National Council. In case of a violation of this provision, he shall be guilty of a misdemeanor in office, and upon proof of the same his office shall be declared vacant, and shall be filled by the Principal Chief *pro tem.* until the meeting of the National Council.

Sec. 6. He shall be subject to the laws regarding impeachment.

Sec. 7. He shall receive an annual salary of *four hundred dollars per year*, and out of this amount he shall be required to pay his traveling expenses.

ARTICLE IV.

NATIONAL AUDITOR.

Sec. 1. The Principal Chief shall nominate to the National Council during its regular session next succeeding the general National election, a suitable person to fill the position of National auditor of public accounts. Should such nomination be not confirmed, he shall nominate a second, etc. After such nomination shall have been duly confirmed, the chief justice of the Muskogee Nation, on the fifth day of December following, shall administer the regular oath of office, and after the auditor has taken and subscribed to the same he shall be competent to perform the duties pertaining to his position.

Sec. 2. He shall keep his office in the National capitol building, and shall be present at the seat of government, either in person or by deputy duly empowered to

act for him in all respects, during the entire sessions of the National Council, and at least one week at the expiration of each quarter. For a violation of this provision he shall be subject to the same penalty as would the National treasurer for a like violation.

Sec. 3. He shall keep suitable books of accounts with the United States Government, with the different officers of the Muskogee Nation, and with other persons doing business of a public character with the same; to examine and supervise the accounts of the National treasurer, or any other person who may disburse the public money of the Nation; and it shall be the duty of the National treasurer, or other disbursing officer or officers, to render prompt vouchers to the auditor for all moneys that may have been paid by them for the Nation.

Sec. 4. He shall keep a complete record of all appropriations furnished him by the Principal Chief, and the purpose for which each appropriation was made. Whenever a warrant or warrants, duly executed, to cover the amount of an appropriation, has been indorsed by him and entered to the credit of such an appropriation, the entry or account of the appropriation shall be balanced and closed; and should any warrant or warrants, in excess of an appropriation, be presented for his indorsement, it shall be his duty to reject the same, at the same time taking an account of such over issue, giving the date of issue, the amount, to whom issued, and under what act the same was issued, and report the same to the National Council.

Sec. 5. It shall be the duty of all judicial and executive officers, who are by law authorized to issue National script and jury tickets, to furnish the auditor of public accounts with regular quarterly statements in detail of the expenses of their respective offices, and the auditor shall enter such statements to the credit of such officers respectively. He shall take up and cancel all National script and jury tickets and issue in lieu thereof certificates of his office, charging such cancelled script

and tickets to the officer issuing the same. He shall make annual reports to the National Council of those accounts, and said reports shall be made the basis upon which appropriations shall be made to defray the expenses of all such officers.

Sec. 6. The auditor shall make an annual report of the financial condition of the Nation, its resources and liabilities, to the Principal Chief, at such time as the Principal Chief may require.

Sec. 7. He shall receive an annual salary of four hundred dollars (\$400).

Sec. 8. He shall be liable to the laws governing impeachment.

ARTICLE V.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Sec. 1. The Superintendent of Public Instruction shall be elected by the National Council at its regular session, and shall hold his office for a period of two years. He shall be installed by the Chief Justice in the same manner as other executive officers are installed, and until such installation shall not be competent to perform the functions of his office.

Sec. 2. He shall have his office in the National capitol building, and shall be present at the seat of government during the sessions of the National Teachers' Institute, during the sessions of the National Council, and at least one week at the last of each quarter, and for a violation of this provision, he shall, upon proof of the same, be removed by the Principal Chief from office, and his place shall be temporarily filled by that officer until the next session of the National Council, when the office shall be filled by a regular election.

Sec. 3. He shall be President of the National Teachers' Institute.

Sec. 4. He shall have charge of the neighborhood schools, and shall perform all the duties pertaining to such charge, as is set forth in Statutes on Education.

Sec. 5. He shall have charge of the public smiths, and shall perform all the duties pertaining to such charge, as is set forth in the laws regulating public smiths.

Sec. 6. He shall be chairman of the "National Board of Examiners."

Sec. 7. He shall be subject to the laws regarding impeachment.

Sec. 8. He shall receive an annual salary of six hundred dollars (\$600).

ARTICLE VI.

NATIONAL INTERPRETER.

Sec. 1. The National interpreter shall be elected by the National Council at the regular session next succeeding the general National elections, and shall be installed in the same manner and by the same officer as other National officers, on the fifth of December next following, and shall not be competent to perform the duties of his office until he is thus installed.

Sec. 2. He shall be subject to the laws governing impeachment, as other National officers, and shall receive an annual salary of twenty-five (\$25) dollars.

CHAPTER II.

NATIONAL COUNCIL.

ARTICLE I. Organization.

II. Protest against Admission to Membership.

III Committees.

IV. Privilege from Arrest.

V. Clerks, Interpreters and Chaplains.

VI. Pay of Members.

ARTICLE I.

ORGANIZATION.

Sec. 1. The National Council of the Muskogee Nation shall convene within the National capitol building at the seat of government, on the first Tuesday in October of each year.

Sec. 2. During each constitutional term there shall be four annual sessions; the first and third sessions each to be held during a period of time not exceeding fifteen days, and the second and fourth sessions to be held each during a period of time not exceeding thirty days. Also, on the fifth day of December next following the general National elections, the newly-elected members shall convene, to organize and to do such business as may come before the Council.

Sec. 3. When a quorum of the members elect of either house, respectively, have assembled, a temporary presiding officer and a temporary clerk shall be selected, and the credentials of persons claiming seats shall be examined; after which one or more of the judges of the Supreme Court shall administer to each member, severally or otherwise, the regular oath of office, which oath thus administered shall qualify them to perform their

duties. But the oath shall be administered to no person, whose seat is contested, until such contest is decided.

ARTICLE II.

PROTEST AGAINST ADMISSION TO MEMBERSHIP.

Sec. 1. No protest against the admission of a person supposed to be legally elected, and bearing certificate of election, to a seat in the National Council, shall be received or taken notice of, unless the protest is accompanied by the sum of fifty dollars.

Sec. 2. Should the protest prove just and successful, then the above-mentioned sum of fifty dollars shall be returned to the protesting party or parties, but should the protest prove unsuccessful, it shall be transmitted to the National treasurer to be placed to the credit of the general fund.

ARTICLE III.

COMMITTEES.

Sec. 1. As soon as practicable after the organization of the Council, the President of the House of Kings and the Speaker of the House of Warriors shall appoint the following joint standing committees, viz: Committee on Finance, Committee on Education, Committee on Internal Improvements, Committee on Judiciary, and Committee on Foreign Relations. And they shall from time to time appoint such special committees, either joint or separate, as may be necessary. A majority of each joint standing committee shall consist of members of the House of Warriors.

Sec. 2. Each committee shall take into consideration all matter committed to its care, report upon the same as early as practicable; and, unless otherwise ordered by the Council, they shall transact all their business during the intervals between the daily sessions of the two houses.

Sec. 3. The President of the House of Kings and the Speaker of the House of Warriors, upon the recommendation of the chairman, shall have the appointment of all committee clerks. Each committee shall, to its regularly appointed clerks, pay the sum of two dollars and a half a day.

Sec. 4. All committees, appointed from the National Council, shall have power to call for, and compel deliverance of such books, papers, documents, etc., as they may need in the transaction of business; to compel the attendance of witnesses; to place witnesses under oath, and to use all other lawful means whereby they may arrive at a correct conclusion in such matters as they may have committed to their care.

ARTICLE IV.

PRIVILEGE FROM ARREST.

Sec. 1. Members of the National Council shall be privileged from arrest while in attendance on any of its sessions, and while going to and returning from the same.

Sec. 2. Any officer of this government violating this provision shall be subject to suspension and removal from office.

ARTICLE V.

CLERKS, INTERPRETERS AND CHAPLAINS.

Sec. 1. Each house shall elect for itself a clerk and interpreter and a chaplain. Each of whom shall serve during the constitutional term of Council unless sooner dismissed.

Sec. 2. The clerk shall keep an accurate record of the proceedings of the house and do such other business as properly belongs to the office.

Sec. 3. The interpreter shall be present at each daily session of his house, and shall interpret from Muskogee

to English or from English to Muskogee any address or message, whether *viva voce* or in writing, which shall be offered to the house, whenever the same may be required of him.

Sec. 4. The chaplain shall be an ordained minister. He shall open the house each morning with prayer.

ARTICLE VI.

PAY OF MEMBERS.

Sec. 1. Each member of the National Council, and the regular clerk and interpreter of each house, shall receive the sum of three dollars per day during the sessions of that body, and the sum of twenty cents per mile for the distance necessarily traveled in going to and returning from the same.

CHAPTER III.

THE JUDICIARY.

ARTICLE I. Common Provisions.

II. Supreme Court.

III. Districts, District Courts, and District Officers.

ARTICLE I.

COMMON PROVISIONS.

Sec. 1. Any person, or persons, instituting a suit before any of the courts of this Nation when obtaining a summons for that purpose, shall file a bond, with sufficient security satisfactory to the presiding judge, for the payment of such witnesses as he or she shall summon, and the defendant shall be required to file a bond of the same nature for the payment of such witnesses as he or she shall cause to be summoned.

Sec. 2. No person shall be competent to sit on any case as juryman, until he has taken an oath, administered by the proper officer, to decide according to law and evidence, without favor or partiality.

Sec. 3. No person shall be allowed to testify in any of the courts of this Nation, without first taking an oath administered by the proper authority, to testify according to the whole truth and nothing but the truth.

Sec. 4. All suits for damages or breach of contract arising or appearing in the courts of this Nation shall be decided according to the merit of the cause.

Sec. 5. Each witness who attends court in obedience to a summons by the proper authority, shall be allowed one dollar per day while in service.

Sec. 6. It shall be the duty of the light horse com-

panies in each district to collect all fines from any persons who fail to obey a summons which may have been served by the proper authorities, and all fines so collected shall be turned over to the National treasurer.

Sec. 7. It shall be the duty of every judge before whom a decision has been made, to settle with the witnesses; and in civil suits he shall collect all costs through the captain of the light horse.

Sec. 8. After the decision in a civil suit has been reached, should either party refuse to settle in accordance with the bond given, the light horse shall seize and sell any property belonging to such party until the amount of costs is collected.

Sec. 9. Any judge found to have issued script in his own behalf as payment for services as clerk, shall be subject to removal from office.

ARTICLE II.

SUPREME COURT.

Sec. 1. The judges of the Supreme Court shall be elected by the National Council at the annual session next succeeding the general National elections, and shall be installed in the same manner as other officers on the fifth day of December following.

Sec. 2. There shall be allowed the Supreme Court one clerk, who shall perform all the duties pertaining to the position, in the same manner as the clerks of district courts perform the duties pertaining to such courts.

Sec. 3. The judges of the Supreme Court, and the clerk thereof, shall receive the sum of three dollars per day during the sessions of the court, and twenty cents per mile for the distance necessarily traveled over in going to and returning from the same.

Sec. 4. When any person desires to institute a case the cause of which comes under the jurisdiction of the Supreme Court, he may notify one of the supreme judges

at any time he may see proper, making known the names of all witnesses and persons party to the cause.

Sec. 5. When a case has been instituted into the Supreme Court, the supreme judge shall notify the judge of the district wherein the parties to the suit and witnesses for the same shall reside, giving the names and residences of said parties, and the district judge shall summon all said parties to attend at the next session of the Supreme Court.

Sec. 6. Where witnesses who have been summoned to attend trials at the Supreme Court, shall fail to obey such summons, the Supreme Court shall exercise the power of ordering the light horse of the district in which such persons reside to enforce such attendance.

Sec. 7. When a suit has been instituted in the Supreme Court, and all parties thereto have been notified twenty days previous to the time of trial, should any of said parties fail to appear at the proper time, the court shall proceed to consider and decide the case in the same manner as if all parties had appeared, and the decision shall be final, unless the parties who have failed to appear at time of trial, shall, within twenty days of the adjournment of the court, appear before one of the supreme judges, and render a sufficient reason for non-attendance, in which case there shall be allowed a second trial.

Sec. 8. The sessions of the Supreme Court shall be conducted in the same manner as the sessions of the district courts, except where it is otherwise provided by the constitution and laws.

ARTICLE III.

DISTRICTS, DISTRICT COURTS, AND DISTRICT OFFICERS.

Sec. 1. The six judicial districts of the Muskogee Nation shall be known and described as follows :

Cowetah District.—All that portion of the Muskogee Nation situate north of the Arkansas River.

Okmulgee District.—All that portion of the Muskogee Nation situate within the following bounds: Beginning at the point where Cussetah Creek empties into the Deep Fork River, and running thence in a northerly direction along the bank of said creek to its source, and continuing in a straight line to the bald hills near F. B. Sever's ranche, thence along the east range of the Conchartee Hills to the Arkansas River; thence up the Arkansas River to where the boundary line of the Creek Nation crosses the Arkansas River, thence following said line to the ceded tract, thence along the line of said ceded tract to the bank of Deep Fork River; thence along the bank of Deep Fork River to the place of beginning.

Muskogee District.—All that portion of the Muskogee Nation situate within the following bounds: Beginning at a point known as Hopoethle Yahalari Cow-pen, on Deep Fork River, thence along the banks of Deep Fork River west to Cussetah Creek, thence up the Cussetah Creek to its source, and continuing by a straight line to the bald hills near Captain F. B. Sever's ranche; thence along the east range of the Conchartee Hills to the Arkansas River, thence down the Arkansas River to the Cherokee line, and down said line south to the head waters of Elk Creek, and down said creek to the Soda Springs, and thence by a straight line to the place of beginning.

Eufaula District.—All that portion of the Muskogee Nation situate within the following bounds: Beginning at a point on the Canadian River at the mouth of Middle Creek, thence up said Creek to the Eufaula Road, thence up said road to the head waters of Cat-char Micco Creek, thence down said creek to the North Fork River, thence by a straight line to the head waters of Wolf Creek, and down said creek to the falls of the Deep Fork River, thence down said Deep Fork River to Hopoethle Yahalari Cow-pen, thence by a straight line to the Soda Springs on Elk Creek, thence in an easterly direction up said Elk Creek to the Cherokee line, thence along

said line to the North Fork River near where it empties into the Canadian River, thence up the Canadian River to the place of beginning.

Deep Fork District.—All that portion of the Muskogee Nation situate within the following bounds: Beginning at a place on the Deep Fork River, known as Deep Fork Falls, and running from thence up the Deep Fork River to the ceded tract, thence along the line of the ceded tract south to the North Fork River, thence down the North Fork River to the mouth of Cat-char Micco Creek, thence by a straight line to the head waters of Wolf Creek, thence down said creek to the place of beginning.

We-wo-ka District.—All that portion of the Muskogee Nation situate within the following bounds, viz.: Beginning at a point where the line of the ceded tract crosses the North Fork River, and running from thence along said line south to the Canadian River, thence down said river easterly to Middle Creek, thence along said creek to the Eufaula Road, thence by a straight line to head of Cat-char Micco Creek, thence down said creek to the North Fork River, thence along the North Fork River to the place of beginning.

Sec. 2. There shall be established in each district, at such point as the citizens of the district shall decide, a district court, and to each court there shall be attached one judge, one prosecuting attorney, and a company of light horsemen, consisting of one captain and four privates.

Sec. 3. The judge of each district shall be elected by the National Council at its regular session, for the period of two years, and shall be installed in the same manner as the National officers. He shall have charge of the court and of the officers thereof. He shall be allowed one clerk, who shall be allowed the sum of three dollars per day during actual service. He shall have the issuance of writs, summons, and all court script. He shall have the power to order his light horsemen to any por-

tion of his district, and when actually necessary shall have the power to order them to any part of the Muskogee Nation. In cases of actual need, he shall have the power of calling to his aid the police force of other districts. In cases of unavoidable expenses and liabilities, which may be incurred by reason of confinement of prisoners by light horsemen, board included, he shall issue court script for the same; but in no case shall there be paid a greater amount than one dollar per day for board of a single prisoner. He shall administer oaths to jurymen and witnesses, and shall swear in the members of his light horse. He shall sit as adjudicator of all points of law contested in his court. He shall receive an annual salary of two hundred dollars.

Sec. 4. The prosecuting attorney of each district shall be nominated by the Principal Chief of the Muskogee Nation, and shall be confirmed by the National Council at the same session at which is elected the district judge, and shall hold his office for the same term as that officer. He shall diligently examine into all cases of supposed violation of the laws of the Muskogee Nation, and whenever he has reason to believe that a violation has been committed, he shall prosecute the same before the district court, and for each conviction he shall receive the sum of twenty-five dollars; and he shall receive such other fees as may be provided for by law. He shall also receive an annual salary of one hundred dollars.

Sec. 5. If any district attorney shall have cognizance of a violation of the National laws, and shall fail to institute the proper legal proceedings, he shall be guilty of high crime, shall be suspended from office, and, upon conviction, shall be fined not less than fifty (50) and not more than one hundred (100) dollars, at the discretion of the court. The judge of the district court of which the attorney shall be so charged, shall select a prosecuting attorney of any of the other districts of the Muskogee Nation, who shall prosecute the case before him, and upon conviction, shall be allowed the compensation al-

lowed by law for convictions. In case the charge shall not be sustained, the prosecuting attorney shall be considered in office, the same as if he had not been suspended. But should the charges be sustained, judgment shall be rendered in the case, and the office shall be considered vacant, and shall be filled in the same manner, by the Principal Chief, as other vacancies are filled. All fines accruing under this provision shall be paid into the National Treasury.

Sec. 6. The light horse company shall be the police force of the district. They shall be elected on the third Tuesday of September every two years, and shall be installed by the district judge. They shall be under the immediate supervision of the judge. They shall serve all summons, make arrests, collect all fines and taxes, and shall act as general bailiffs of the court. They shall each receive the sum of one hundred and twenty-five dollars per annum, and shall be allowed to appropriate to their own use all fines collected from persons violating the law prohibiting the keeping or introduction of intoxicating liquor, and such other fines or portions of fines as may be provided by law. But no citizen of the Muskogee Nation shall be arrested at any election, held under the laws of the Muskogee Nation, unless for breach of peace or a violation of the law prohibiting the carrying of deadly weapons.

Sec. 7. For the trial of such civil cases as may arise, each district court shall hold two sessions annually, to commence as follows:

OKMULGEE DISTRICT.

First Session: First Monday in March.

Second Session: First Monday in June.

DEEP FORK DISTRICT.

First Session: Third Monday in March.

Second Session: Third Monday in June.

WE-WO-KA DISTRICT.

First Session: First Monday in April.

Second Session: First Monday in July.

EUFAULA DISTRICT.

First Session : Third Monday in April.

Second Session : Third Monday in July.

ARKANSAS DISTRICT.

First Session : First Monday in May.

Second Session : First Monday in August.

COWETAH DISTRICT,

First Session : Third Monday in May.

Second Session : Third Monday in August.

Should any district judge, by sickness or other hindrance, be prevented from holding court at the time specified by law, he shall call a session at as near that time as he may deem best, but no district court shall sit at one session for a longer term than twelve days.

Sec. 8. The citizens of each district shall have the power to designate the place for holding the district court.

Sec. 9. Each district court shall convene at 9 a. m.; at the exact time set for the hearing of a criminal case the judge shall proceed to trial. If delay be prayed by the defendant on account of absence of an important witness, the party praying such delay shall be examined under oath, as to whether or not he has used proper means to have such witness present; and if it be found that proper means have not been taken, then the trial shall be proceeded with the same as if such delay had not been prayed. But if it be found that proper means to have such witness present have been taken, then without an adjournment, he shall send his light horse to arrest and compel the attendance of such absent witness, and any person guilty of resisting or evading such arrest shall be guilty of misdemeanor, and, upon conviction, shall receive fifty (50) lashes upon the bare back. If such absent witness cannot be found and the judge has reason to believe that he is residing within the limits of the Muskogee Nation, and that his presence may be had, then he may adjourn the court for five (5) days, exclud-

ing Sundays, after which the court shall again convene and proceed as before. But no judge shall on account of absence of witnesses adjourn his court more than twice nor delay a trial for a longer time than ten days, excluding Sundays.

Sec. 10. Any judge who shall fail to hold court at the time prescribed by law, unless prevented by death, or other circumstances beyond his control, or who shall willfully violate any other provision of the law, shall be guilty of a misdemeanor, and be liable to impeachment and expulsion from office.

Sec. 11. Any light horseman found guilty of disobeying a legal order from the judge of his district, either by neglect or willfully, shall be removed from office; and any attorney-at-law, officer of court, or any other person guilty of procuring or advising any person to swear falsely, shall upon conviction be deemed guilty of perjury, and shall be punished in the same manner as if he himself had sworn falsely.

Sec. 12. Any person swearing falsely, shall upon conviction receive fifty lashes upon the bare back, shall ever afterwards be debarred from holding any office of trust or profit in this Nation, and from being considered a valuable witness in any of the courts of this Nation.

Sec. 13. Any person wishing to enter suit into any of the district courts of this Nation, shall in person, or by attorney, appear before the district judge and make known such wishes, stating the names of all persons whom he desires to have summoned as witnesses in his behalf, and the name or names of the person or persons against whom he wishes to institute suit; and it shall be the duty of the captain of the light horse to summon such witness or witnesses to appear at the next session of the court.

Sec. 14. When the defendant is a citizen of a different district from that of the person suing, the person suing shall appear before the judge of the district wherein the defendant resides and there enter suit.

Sec. 15. In order that the parties against whom suit is instituted may prepare for trial, it shall be the duty of the judge to give them due notice, informing them of the nature of the suit and by whom instituted. Both the defendant or defendants and all witnesses shall be summoned at least ten days before the meeting of the court.

Sec. 16. After all parties have been duly notified by the proper authority, and a decision has been reached, such decision shall be final, whether all parties are present or absent, unless the parties who have been absent during trial appear before the judge within twenty days after the decision, and render proper reasons for non-attendance, in which event another trial shall be allowed.

Sec. 17. Should any officer, in any district, require assistance to execute any law of the Muskogee Nation, the district judge shall call upon any other district judge, or all other district judges in the Nation for assistance, which assistance such judge or judges are authorized and required to render.

CHAPTER IV.

CRIMES AND MISDEMEANORS.

- ARTICLE I. Murder.
- II. Mayhem.
 - III. Theft.
 - IV. Perjury.
 - V. Arson.
 - VI. Incest.
 - VII. Resisting Officers.
 - VIII. Abuse or Injury of Citizens by Officers.
 - IX. Setting Dogs on Stock or otherwise injuring Private or Public Property.
 - X. Disturbing Private Families or Public Meetings.
 - XI. Carrying Deadly Weapons.
 - XII. Selling Goods on Sunday.
 - XIII. Opening Sealed Letters.
 - XIV. Destroying Pecan Trees.
 - XV. Setting Woods or Prairies on Fire.
 - XVI. Finding Property and failing to give information of same.
 - XVII. Impeachment.
 - XVIII. State's Evidence.

ARTICLE I.

MURDER.

Sec. 1. Any person who shall willfully and unlawfully kill another person, or kill another person while engaged in an unlawful act, shall be guilty of the crime of murder, and upon conviction shall suffer death by shooting.

Sec. 2. Any person who shall hire or persuade another to kill any person unlawfully, shall be guilty of murder, and upon conviction shall suffer death by shooting.

Sec. 3. Any person who shall aid or abet another to unlawfully kill any person, or shall aid or abet another to perpetrate any unlawful act whereby a person shall be killed, shall be guilty of murder, and upon conviction shall suffer death by shooting.

Sec. 4. Where a person not engaged in an unlawful act, shall be in imminent danger of loss of life or bodily injury at the hands of another unlawfully, and shall, in self defense, be forced to kill or maim such person, such killing or maiming shall not be considered unlawful.

ARTICLE II.

MAYHEM.

Sec. 1. Any person who shall unlawfully inflict upon the body of another any injury so as to impair or disable him, such person shall be liable to a suit for damages before the proper tribunal of this Nation, and upon conviction shall be fined according to the damage or injury sustained.

Sec. 2. Should such person, as mentioned above, not be able to pay the fine, he shall be required to perform an amount of work equal in value to the same, for the benefit of the injured person, and upon failure to perform the work shall receive fifty (50) lashes upon the bare back.

ARTICLE III.

THEFT.

Sec. 1. Any person who shall unlawfully, either by stealth or force, possess himself of the property of another, shall be guilty of theft, and shall upon conviction for the first offense receive fifty lashes upon the bare back; for the second offense receive one hundred lashes upon the bare back; and for the third offense shall suffer death by shooting.

Sec. 2. Any person who shall hire or persuade another to committ the crime of theft, shall be deemed guilty of

the offense himself, and upon conviction shall suffer in the same manner as if he himself had committed the offense.

ARTICLE IV.

PERJURY.

Sec. 1. Any person swearing falsely, shall upon conviction receive fifty lashes upon the bare back, shall be forever afterwards debarred from holding any office of trust or profit in this Nation, and from being considered a valuable witness in any of the courts of this Nation.

Sec. 2. Any person who shall give false testimony whereby another is damaged by loss of property, shall upon conviction, in addition to the penalty mentioned in paragraph one of this article, pay double the amount of damages to the person sustaining such loss.

Sec. 3. Any person who shall give false testimony, whereby another suffers by punishment inflicted on the body, shall upon conviction, in addition to the penalties mentioned in paragraph one of this article, receive in full the same punishment which shall have been inflicted upon the party against whom he shall have sworn falsely.

ARTICLE V.

ARSON.

Sec. 1. Any person who shall intentionally burn the dwelling-house, out-house, or any other building of another, without the owner's consent, shall upon conviction pay damages in full, and shall suffer the penalty of one hundred (100) lashes upon the bare back.

ARTICLE VI.

INCEST.

Sec. 1. No intermarriage of blood relations among the citizens of the Muskogee Nation shall be considered legal.

Sec. 2. Any citizen of this Nation who shall marry such as are related to them by blood, shall upon conviction receive fifty lashes upon the bare back.

ARTICLE VII.

RESISTING OFFICERS.

Sec. 1. Any person who shall resist, abuse, or injure any officer of this Nation, who is in the legal discharge of his duty, shall upon conviction receive for each offense not less than twenty-five (25) nor more than one hundred (100) lashes upon the bare back, at the discretion of the court.

ARTICLE VIII.

ABUSE OR INJURY OF CITIZENS BY OFFICERS.

Sec. 1. Any officer of this Nation, who shall exceed his duty by abusing or injuring a citizen of the same, shall, upon conviction, be removed from office, and be compelled to pay the abused or injured party not less than twenty-five (25) nor more than one hundred (100) dollars, at the discretion of the court.

ARTICLE IX.

SETTING DOGS ON STOCK, ETC.

Sec. 1. Any person who shall set dogs on stock of another, or in any other manner willfully abuse another's property, or the public property of this Nation, shall pay damages in full, as assessed by the proper tribunal of the Nation.

ARTICLE X.

DISTURBING PRIVATE FAMILIES OR PUBLIC MEETINGS.

Sec. 1. Any person who shall willfully, by word or deed, disturb any private or public boarding or day school, church, council, or any other religious, political

or other lawful gathering, or any private family, except those which deal in spirituous liquor, or keep houses of ill fame, or gambling houses, shall be guilty of misdemeanor, and upon conviction shall receive fifty lashes on the bare back.

ARTICLE XI.

DEADLY WEAPONS.

Sec. 1. No person, except district solicitors, light horsemen, and officers of the United States engaged in duty requiring them to carry weapons, shall be permitted to carry any deadly weapon of any kind, such as pistols, revolvers, bowie knives, dirks, or any other weapon, except a pocket knife at any public gathering of citizens of this nation, such as church meetings, or where persons are gathered for purpose of worship or the transaction of business, elections, towns, dancing or ball grounds, trials, courts, councils, or any place where people are gathered for pleasure.

Sec. 2. Any person found guilty of violating the provisions of paragraph one of this article, shall be dispossessed of the weapons by the light horse, and the light horse so dispossessing such person shall dispose of the weapon for his own benefit.

Sec. 3. This article shall not be so construed as to prevent travelers from carrying weapons along the public highways.

ARTICLE XII.

SELLING GOODS ON SUNDAY.

Sec. 1. Any merchant doing business within the limits of this Nation, whether licensed or native, who shall practice the sale of any goods, save medicines and burial clothing in cases of sickness or death, on Sundays, shall upon conviction be fined in the sum of two hundred (200) dollars ; said sum to be transmitted to the National treasurer, to be placed to the credit of the general funds.

ARTICLE XIII.

OPENING SEALED LETTERS, ETC.

Sec. 1. Any citizen of this Nation who shall open any sealed letter or other sealed package of another person without authority, shall upon conviction be considered guilty of crime, and suffer the penalty prescribed by law in cases of theft.

ARTICLE XIV.

DESTROYING PECAN TREES.

Sec. 1. Any person who shall cut down or destroy any pecan tree, for the purpose of obtaining the fruit thereof, shall be fined in the sum of twenty-five (25) dollars for each tree so cut down or destroyed; the informer to receive *ten dollars* (\$10), and *fifteen dollars* (\$15) to be transmitted to the National treasurer. Should the parties charged with the offense deny the same, the light horse shall carry him before the district judge, where trial shall be had.

ARTICLE XV.

SETTING WOODS OR PRAIRIES ON FIRE.

Sec. 1. Any person who shall set woods or prairies on fire, between the first day of September and the first day of April, shall upon conviction be fined the sum of twenty dollars; one half of which shall be paid to the informer and the other half of which shall be paid into the treasury of the Nation.

ARTICLE XVI.

FINDING PROPERTY AND FAILING TO GIVE INFORMATION OF SAME.

Sec. 1. Any person who shall find an article or any property of value, and shall fail to make proper effort to

make the same known, so that the owner may be enabled to recover the same, shall upon conviction suffer the penalty provided by law for theft.

ARTICLE XVII.

IMPEACHMENT.

Sec. 1. When charges of high crimes or misdemeanors are to be preferred against an officer of this Nation, such charges shall be preferred before the House of Warriors, and that house shall vote as to whether articles of impeachment shall be filed.

Sec. 2. If two-thirds of the members voting, vote for impeachment, then the house shall appoint a committee of seven, composed of its own members, which committee shall prepare the articles and submit the same to the house.

Sec. 3. If the articles, as submitted by the committee, are agreed upon, then the house shall select a committee of seven of its own members, who shall constitute a board of managers, and shall conduct the trial of the accused before the House of Kings.

Sec. 4. When articles of impeachment shall have been filed against an officer of the Muskogee Nation, the accused shall be furnished with a copy of the articles, and shall be given timely notice of the trial, so that he may be enabled to make preparation for the same.

Sec. 5. All articles of impeachment which shall arise in the House of Warriors, shall be decided in the House of Kings, and the members of the House of Kings, before proceeding to the trial, shall be sworn by one of the judges of the Supreme Court, to decide the case before them according to the testimony, the principles of justice and without prejudice.

Sec. 6. The House of Kings, while acting as judges on a trial of impeachment, shall have authority to cite before them and compel the attendance of any citizen of

the Muskogee Nation, whose testimony they may desire ; and they are hereby authorized to use any means which may be necessary in order to arrive at all the facts in the case.

Sec. 7. In all trials of impeachment, the president of the House of Kings shall preside and conduct the proceedings of the same.

ARTICLE XVIII.

STATE'S EVIDENCE.

Sec. 1. If an act of theft be committed by either man or wife while living together, and the fact should be disclosed by either after separation, the one disclosing shall not be punished, but the law providing for punishment of theft shall be fully executed against the other.

Sec. 2. Any person turning State's evidence against such persons as have been guilty with him or her in the perpetration of any misdemeanor, shall not be subject to the pains or penalties provided by law for the punishment of the same.

CHAPTER V.

EDUCATION.

- ARTICLE I. Neighborhood Schools.
 II. Examination of Teachers.
 III. Teachers' Institutes.
 IV. Mission Boarding Schools.
 V. Youths in the States.

ARTICLE I.

NEIGHBORHOOD SCHOOLS.

Sec. 1. The interest on two hundred and seventy-five thousand one hundred and sixty-eight dollars, held in trust for the Creeks by the United States, is hereby set apart as a permanent fund for the schools of the Muskogee Nation, and provision is thereby made for twenty-eight neighborhood schools, twenty-one to be composed of Muskogee Indian children, and seven to be composed of the children of freedmen of the Muskogee Nation.

Sec. 2. The neighborhood schools shall be under the charge of the Superintendent of Public Instruction, and the teachers shall hold their positions by his appointment, and shall be amenable to him. He shall make quarterly visits to each school.

Sec. 3. The superintendent shall appoint for each school, from the neighborhood in which the school is located, three trustees, whose duties shall be to see that the teacher performs his or her duty, to certify to the amount of duty performed, and to exercise a general supervision over the children. They shall have power to expel any pupil for disorderly conduct.

Sec. 4. Each year the National Council shall make a

special appropriation for the purchase of text-books, and the superintendent shall purchase the same, and see that they are properly distributed to the different schools. The following series of text-books are hereby adopted as text-books for the neighborhood schools of the Muskogee Nation :

McGuffey's Reader.

Davies' Mathematics.

Smith's Grammar.

Town's Speller and Analysis.

Mitchell's and Olney's Geography and Atlas.

Sec. 5. The scholastic year for the neighborhood schools shall consist of ten months; shall commence on the first day of September and shall end on the last day of June. It shall be divided into four quarters: The first to commence on the first day of September and end on the fifteenth day of November; the second to commence on the sixteenth day of November and end on the last day of January; the third to commence on the first day of February and end on the fifteenth day of April; and the fourth to commence on the sixteenth day of April and end on the last day of June. Every day in the scholastic year, except Saturdays and Sundays, shall be school days. Each teacher shall be paid at the rate of four hundred dollars for the scholastic year out of the National school funds.

Sec. 6. When a neighborhood shall make application to the superintendent to have a school established, with promise to furnish at least twenty pupils, the superintendent shall establish the school, providing there are not already in existence the number specified by law; and said school shall commence with twenty scholars.

Sec. 7. As soon as the same shall come to his notice, the superintendent shall suspend any school which shall continuously for the space of two weeks fail to have at least fifteen pupils; and it is hereby made the duty of the trustees, whenever there shall continuously for the space of two weeks be an attendance of pupils less than fifteen

in number, to report the same to the Superintendent of Public Instruction as soon as practicable.

Sec. 8. Parents and guardians shall not be permitted to keep their children, or those under their charge, away from school without the consent of the trustees; and when such children are detained from school sufficient reasons shall be given for such detention.

Sec. 9. At the end of each quarter each teacher shall render to the superintendent a full and accurate report, stating time served, branches taught, number studying in each branch, the time of attendance and time lost by each scholar, and the average attendance during the quarter, and the correctness of this report shall be certified to by the trustees. The superintendent shall keep this report as voucher, to be handed in with his general report to the National Council, and in lieu thereof shall give to the teacher an order on the executive office for such amount as shall be due. The executive office shall receive such order and retain the same as voucher for the National warrants which shall be issued in lieu thereof. The superintendent shall keep on hand a sufficient number of blank forms of reports, with certificates and orders, and shall see that each teacher is properly furnished with the same. Whenever necessary the National Council shall make appropriations to meet this provision.

Sec. 10. At each annual session of the National Council the Superintendent of Public Instruction shall render a full and accurate report, giving the number of schools taught, the different amounts expended, and all other matters pertaining to his office. He shall have satisfactory vouchers for all amounts expended by him. He shall make no expenditures over the appropriations made by the Government.

Sec. 11. All unexpended balances of the appropriations by the National Council each year for neighborhood schools, shall be carried to the credit of the school fund for the next succeeding year.

ARTICLE II.

EXAMINATION OF TEACHERS.

Sec. 1. The Board of Examiners of applicants for the position of teachers of neighborhood schools shall consist of the Superintendent of Public Instruction and three other competent persons, who shall hold their positions by appointment from the Principal Chief. They shall serve without pay, and shall hold their office for the term of four years.

Sec. 2. The Board of Examiners shall be present during the sessions of the Muskogee Teachers' Institute, and at the National Capital when necessary, for the examination of applicants for certificates of competency. They shall grant certificates to those only who prove themselves, on examination, capable of teaching higher arithmetic, English grammar and composition, United States history, geography and penmanship; the practical knowledge of the duties of teachers being also taken into consideration. When by the applicant requested, they shall also examine in such other branches as help to constitute an English education, and if the applicant is found efficient in the latter shall mention the same in the body of the certificate.

Sec. 3. Nothing shall be charged for either the examination or certificate, and any examiner found guilty of so charging shall be removed from office.

Sec. 4. Each certificate shall stand good for one year, and the Superintendent of Public Instruction shall hire no person as teacher of a neighborhood school, unless a certificate of competency has been granted to that person.

ARTICLE III.

TEACHERS' INSTITUTE.

Sec. 1. The National Teachers' Institute is a regular corporate body holding its authority from the government

of the Muskogee Nation. It shall be composed of all the teachers of the neighborhood schools of the Nation, and shall hold an annual session, commencing on the first Tuesday in July.

Sec. 2. Each teacher of neighborhood schools shall attend the sessions of the Teachers' Institute, and those desiring schools during the next succeeding year shall be examined by the board of examiners during its sessions.

ARTICLE IV.

MISSION BOARDING SCHOOLS.

Sec. 1. The Principal Chief is hereby empowered to appoint *two* (2) boards of trustees, composed of five persons each; one for the Tallahassee Mission, on the Arkansas River, and the other for the Asbury Mission, on the North Fork River, which boards shall each have power to contract with the denomination by which said mission under its trusteeship is respectively controlled, such contracts to be subject to the approval and amendment by the National Council of the Muskogee Nation.

Sec. 2. Three members of each board shall constitute a quorum, but a less number may adjourn from day to day.

Sec. 3. The chairman of each board shall call a meeting of trustees whenever desired to do so by three members, and the United States agent and superintendent of each school may attend as *ex officio* members of said board.

Sec. 4. The superintendents of the Tallahassee and Asbury manual labor schools shall each furnish a tabular statement of the number of pupils attending their respective schools, the number of days each pupil shall have been absent, and the reason for such absence, if known. These statements shall accompany their annual reports to the National Council.

Sec. 5. It shall be the duty of the trustees of the Asbury manual labor school to see that clothing is ob-

tained for the orphans at that school, and to keep a faithful and true account of the same, presenting the same annually to the National Council.

Sec. 6. No person shall be admitted as pupil to the Asbury manual labor school until he has attained the age of thirteen years; until he has attained some knowledge of the five rudimentary rules of arithmetic and has learned to read in the English language easy words of three syllables.

Sec. 7. *Articles of agreement between John Harrell, Superintendent Indian Mission Conference, M. E. Church South, in behalf of the Board of Foreign Missions of said Church, of the first part, and Pleasant Porter, Chilly McIntosh, Joseph M. Perryman, George W. Stidham, and James McHenry, trustees duly empowered by the Muscogee Nation to act in the premises for the second part.*

WITNESS: That in behalf of the said board the party of the first part agrees to take charge of the school buildings, farm, and other property connected therewith, known as the Asbury Manual Labor School, located near the North Fork Town, in said Nation, to furnish a competent superintendent and suitable teachers for the same, and to receive, clothe, feed, take care of and educate at said school eighty scholars, male and female [N. B.—This contract was afterwards amended so as to make all the pupils male], of suitable age, to be selected by the parties of the second part, and to remain in said school at least four regular sessions of ten months each, unless sent home for disability or misconduct, or withdrawn by order of the trustees; said scholars to be furnished with medical attendance when required, also with the necessary books and stationery, the boys to be instructed in agriculture and mechanical arts, * * * * and * * to be taught such branches of an English education as are usually taught in the high schools in the States, with the understanding that the pupils shall in all respects be well cared for and kept under proper discipline.

And the parties of the second part, for and in behalf of the Muskogee Nation, stipulate that for such service payment shall be made at the rate of seventy dollars a year for each pupil so educated, making an aggregate amount not exceeding five thousand six hundred dollars in any one year, to be paid quarterly to the treasurer of the Board of Foreign Missions aforesaid, in the city of Washington, the first payment to be made at the commencement of the first session of said school in each year, which first session shall commence immediately after the buildings proposed to be erected at said school shall be ready for use and occupation, and thenceforward to commence on the first of September, and to end on the thirtieth of June of each year.

And said parties of the second part further agree, in behalf of said Nation, to secure to the said party of the first part, or those who may act for the board he represents in the matters pertaining to this agreement, the use of such land and timber in the neighborhood of said school as may be required for its proper and successful management. It is further agreed that the superintendent of said school shall make a report to the National Council at the close of each session of the condition of said school and farm, and of the progress made by the scholars under his charge.

And it is further agreed that this contract may be terminated at the pleasure of either party, on giving due notice to the other, and in default of such notice to expire at the end of twenty years.

In witness whereof, the parties to this agreement have hereunto set their hands and seals this 29th day of September, 1869.

JOHN HARRELL, [Seal.]

Supt. Indian Mission Con.

PLEASANT PORTER, [Seal.]

CHILLY MCINTOSH, [Seal.]

J. M. PERRYMAN, [Seal.]

GEO. STIDHAM, [Seal.]

JAMES MCHENRY, [Seal.]

Sec. 8. *Be it enacted by the National Council of the Muskogee Nation:* That there be and is hereby created a board of trustees consisting of five (5) persons, namely, Ward Coachman, David Benson, John Reed, Thomas Kanard, and He-ne-ho-che, whose duties shall be to take charge of the Baptist Manual Labor School to be erected in this Nation by the Managing Board of the Muskogee Baptist Association, and perform the duties as required per contract.

Be it further enacted, That the Principal Chief is hereby authorized to fill all vacancies, by appointment, that may occur in said board.

Approved December 6th, 1876.

Sec. 9. *Contract between the Managing Board of the Muskogee Baptist Association of the Muskogee Nation and Ward Coachman, James McHenry, and John R. Moore, on the part of the Muskogee Nation:*

Articles of agreement between William McComb, William Robinson, John McIntosh, and James Fife, in behalf of the Muskogee Baptist Association, of the first part, and Ward Coachman, James McHenry, and John R. Moore, duly empowered by the Muskogee Nation to act in the premises. of the second part.

WITNESSETH: That, in behalf of the said board, the party of the first part agrees to erect, at such place within the limits of this Nation as it shall determine, a substantial building, properly furnished for the purpose, hereinafter mentioned, and also to build such out-buildings, fences, and make such other improvements as would properly pertain to an agricultural and manual labor boarding school, to furnish a competent superintendent and such teachers as may be required, and to receive, take charge of, feed, educate, furnish medical attention, and furnish annually two suits of clothing each (one in winter and one in summer) for one hundred Indian pupils, fifty male and fifty female, of suitable ages, to be selected by the board of trustees, appointed by the National Council, to remain at least four regular sessions of ten

months each, unless sent home for disability or misconduct, or withdrawn by order of the trustees, and also to furnish the necessary books and stationery. The boys to be instructed in agricultural and mechanical labor, and the girls in the various duties of housewifery, and both sexes to be taught such branches of an English education as are usually taught in the primary and high schools in the States, with the understanding that the pupils shall in all respects be well cared for and kept under proper discipline.

And the parties of the second part, for and in behalf of the Muskogee Nation, stipulate that for such services payment shall be made at the rate of sixty dollars (\$60) a year for each pupil so educated, making an aggregate amount of not exceeding six thousand dollars in any one year, to be paid quarterly to the treasurer of the board of the Muskogee Baptist Association aforesaid, in the Muskogee Nation; the first payment to be made at the commencement of the first session of said school, which first session shall commence immediately after the building proposed to be erected shall be ready for use and occupation, and thenceforward to commence the first of September and to end the thirtieth of June of each year.

And the said parties of the second part further agree, in behalf of said Nation, to secure to said parties of the first part, or to those who may act for the board they represent in the matters pertaining to this agreement, the use of such land and timber in the neighborhood of said school as may be required for its proper and successful management.

It is further agreed that the superintendent of said school shall make a report to the National Council, at the close of each session, of the condition of said school and farm, and of the progress made by the scholars under his charge.

And it is further agreed that this contract may be terminated at the pleasure of either party, on giving due notice to the other, and in default of such notice to expire at the end of twenty years.

In witness whereof, the parties to this agreement have hereunto set their hands and seals this twenty-third day of November, 1876.

WILLIAM McCOMBE, [Seal.]

Prest. of M. Board.

WILLIAM ROBINSON, [Seal.]

JOHN McINTOSH, [Seal.]

JAMES FIFE, [Seal.]

WARD COACHMAN, [Seal.]

JAMES McHENRY, [Seal.]

JOHN R. MOORE, [Seal.]

Committee on part of the Creek Nation.

Approved November 25th, 1876.

Sec. 10. *Articles of agreement entered into by the Home Mission Board of the Southern Baptist Convention, represented by William H. McIntosh of one part, and the Muskogee Nation, represented by Pleasant Porter, Robert Brown (House of Kings), L. C. Perryman, David Cummings, and Ned Robbins (House of Warriors), duly empowered by the National Council to act in the premises, of the second part :*

WITNESSETH: That whereas, an act was approved December 8th, 1875, by the National Council, granting permission to the Muskogee Baptist Association, or its managing board, to establish a manual labor school under the supervision and patronage of the Baptist denomination; and whereas, on the twenty-third of November, 1876, articles of agreement were entered into between William McCombe, William Robinson, John McIntosh, and James Fife, in behalf of the Muskogee Baptist Association, and Ward Coachman, James McHenry, and John R. Moore, in behalf of the Muskogee Nation, which contract was subsequently transferred by the Muskogee Baptist Association to the Home Mission Board of the Southern Baptist Convention, and certain changes in the contract were authorized by the National Council, on October 13th, 1879, and the committee mentioned above

were empowered to amend the contract of 1876 accordingly.

Therefore it is agreed to make this supplemental contract and to amend the contract of 1876, as follows:

1. The Muskogee Nation and the Home Mission Board of the Southern Baptist Convention agree to erect the buildings and to make the improvements necessary to establish said institution jointly, each paying the same sum of money towards said enterprise.

2. Said Muskogee Nation agrees to invest *five thousand* (\$5,000) dollars in said manual labor school.

3. The Muskogee Nation hereby agrees to pay, out of the expected receipts to be paid by the United States, June 1, 1880, the sum of \$1,666.66 2-3; and the sum of \$3,333.33 1-3, out of the expected receipts to be paid by the United States, June 30, 1880, making five thousand (\$5,000) dollars; and said sums are hereby set apart and appropriated for said purpose, and the payment of said sums for said school purposes shall be given preference over other obligations.

4. When this contract has been approved by the National Council and by the Home Mission Board of the Southern Baptist Convention, it is agreed that drafts for said sums shall be issued by the Chief on the Treasurer of the Nation, and shall be forwarded to said Home Mission Board or its legal representatives, and said drafts of five thousand (\$5,000) dollars, in said sums described, together with the five thousand (\$5,000) dollars now in the hands of the said board, shall constitute the joint fund with which to establish said manual labor school.

5. The Muskogee Nation reserves the right to return within five years said five thousand (\$5,000) dollars, to be invested in said enterprise by the Home Mission Board, and when said sum of five thousand (\$5,000) dollars shall be returned to the board by the Nation, then the entire and perfect title to the property shall become vested in the Muskogee Nation, and the right of said board to

said property, and the land on which it may be located under the treaty of 1866, shall cease, and be vested in said Muskogee Nation, but the Home Mission Board shall have the right to supervise and operate said school as fully after said payment of said five thousand (\$5,000) dollars as before said payment by the Nation to the board, and said annual appropriation of seventy (\$70) dollars per pupil will be continued.

6. The board agrees to have suitable buildings erected and improvements made, with capacity to accommodate one hundred pupils, to have a competent architect to prepare the plans, and to enter into written contracts for the erection of the houses and making the necessary improvements.

7. The Muskogee Nation agrees to appoint a supervisor and the board agrees to appoint another, and it shall be their duty to inspect the work as it shall progress, and when said supervisor shall inspect the work and certify that the contractor has done the work skillfully and according to contract, a copy of which shall then be delivered to each of said supervisors, then payment shall be made to said contractor by the board.

It is further agreed that the contract of 1876 shall be amended, and is hereby amended, so that the sum of seventy (\$70) dollars per annum for each pupil is appropriated, as said sum of seventy (\$70) dollars is allowed by the Methodist school, and the law of 1875 says that the Baptist contract shall conform to the contracts made with other denominations.

Witness our hands and seals this October 13, 1879.

WM. H. MCINTOSH, Cor. Sec.

PLEASANT PORTER, [Seal.]

ROBERT BROWN, [Seal.]

L. C. PERRYMAN, [Seal.]

DAVID CUMMINGS, [Seal.]

NED ROBBINS, [Seal.]

Approved October 17, 1879.

ARTICLE V.

YOUTHS IN THE STATES.

Sec. 1. The National treasurer of the Muskogee Nation shall have charge of the youths at school in the States, and shall disburse the funds appropriated for their benefit.

Sec. 2. Six of the youths at school in the States shall be placed in schools under the patronage of the Methodist denomination.

CHAPTER VI.

NATIONAL FINANCES.

[For monetary resources, see treaties with the United States Government.]

ARTICLE I. Liabilities of the Muskogee National Government.

II. An act providing for the funding of the Creek National debt outstanding in National warrants, issued under acts of National Council previous to 1874, and to provide for a sinking fund for the payment thereof, and to provide for the current expenses of the Government.

III. Order of payment of National warrants.

ARTICLE I.

LIABILITIES OF THE MUSKOGEE NATIONAL GOVERNMENT.

Sec. 1. The government of the Muskogee Nation shall not be liable for any debts incurred by its citizens, collectively or individually, during the late war or between that period and the time of the treaty of peace at Fort Smith, September 13, 1865; but all debts contracted by the Nation since the latter date shall be paid out of the National treasury.

Sec. 2. This article shall not be so construed as to in any manner affect personal debts or settlements.

ARTICLE II.

An act to provide for the funding of the Creek National debt outstanding in National warrants issued under acts of Council previous to 1874, and to provide for a sinking fund for the payment thereof, and to provide for the current expenses of the Nation.

54 *Liabilities of the Muskogee National Government.*

Be it enacted by the National Council of the Muskogee Nation: That the National warrants issued under acts of Council previous to the October Council of 1874 be and the same are hereby funded, by the issuance in lieu thereof of bonds of the Muskogee Nation, which bonds shall bear interest at the rate of five per centum per annum, which interest shall be paid annually. The first payment of interest shall be made on the first day of November, 1875, and subsequent payments of interest on the first day of November in each year thereafter.

Be it further enacted: That the treasurer of the Muskogee Nation be and is hereby authorized to cancel all outstanding National warrants of the class which this act provides for the funding of, and he is hereby further authorized to execute bonds of the Muskogee Nation bearing interest as is provided for in the foregoing section.

Be it further enacted: That the denomination of the bonds to be issued under this act shall be respectively one hundred dollars and one thousand dollars, but nothing herein shall be so construed as to prevent the holders of a National warrant or warrants of a less sum than one hundred dollars from obtaining a bond therefor.

Be it further enacted: That the bonds provided for in this act shall bear the uniform date of the first day of November, 1874, provided that all National warrants which this act provides for the funding of shall be presented for cancellation by the first day of May, 1875, in default thereof the bond or bonds for such warrants shall only draw interest at the rate of five *per centum* per annum for the half year in which they are presented, and thereafter the uniform annual interest provided for in this act.

Be it further enacted: That the sum of two thousand five hundred dollars be, and the same is hereby appropriated out of the National funds of each year, or so

much thereof as may be necessary to pay the annual interest on the bonds as herein provided for.

Be it further enacted: That any and all surplus moneys remaining in the treasury out of the general funds, excepting school and blacksmiths' funds, shall be and the same is hereby set apart as a sinking fund, which shall be used only in the payment of bonds to be issued under this act, and the National Council of each year shall vest all and any such surplus moneys in the sinking fund, and whenever such sinking fund shall amount to the sum of five thousand dollars, the treasurer shall use the same in retiring and cancelling National bonds on terms most favorable to the Nation.

Be it further enacted: That the treasurer shall keep a record of all warrants cancelled and register of all bonds issued therefor, and also keep a register of the interest due on such bonds, and paid thereon; and he is hereby authorized to procure printed bonds, and all books and materials necessary to carry out this act, and the treasurer is hereby required, in connection with his annual report, to submit a detailed statement for each year of warrants cancelled, bonds issued, interest paid and interest due and unpaid, and bonds cancelled and retired.

Be it further enacted: That the National funds, accruing to the Muskogee Nation from and after this date, excepting the school and blacksmiths' funds, and the interest fund herein provided for, shall be applied and used for the current expenses of the National government, as provided for by acts of appropriation of the National Council; and provided further, that any and all surplus moneys shall be appropriated for the sinking fund.

ARTICLE III.

ORDER OF PAYMENT OF NATIONAL WARRANTS.

Sec. 1. The National treasurer shall cash all warrants issued by the Muskogee Nation, and held against the same, up to October 23d, 1879, before making any pay-

ment upon any which has been or shall be issued after that date.

Sec. 2. After all warrants, issued previous to the above mentioned date shall have been cancelled, the National treasurer shall make payment on those issued after that date according to the date of issuance; *provided*, that after the date of a public payment has been published, and the parties holding warrants having priority of date shall fail to present them, it shall then be the duty of the National treasurer to cash those having the next priority; and provided that this article shall not be construed so as to affect in any manner educational or other preferred warrants.

CHAPTER VII.

CITIZENSHIP AND NON-CITIZENS.

- ARTICLE I. Doubtful Citizenship.
- II. Persons to whom Citizenship has been granted.
 - III. Intermarried Non-Citizens.
 - IV. Rights and Disabilities of Non-Citizens.
 - V. Traders.
 - VI. Employment of Non-Citizens.
 - VII. Leasing land on the M. K. & T. R. R. to Non-Citizens.
 - VIII. Stock of Non-Citizens.
 - IX. Drovers and Movers.
 - X. Creek Agent.
 - XI. Timber Cut by Non-Citizens.

ARTICLE I.

DOUBTFUL CITIZENSHIP.

Sec. 1. All persons having resided out of the limits of the Muskogee Nation, and whose rights as citizens of the same may seem to be questionable in consequence of intermarriage with non-citizens, shall be *bona fide* citizens of this Nation, provided they can prove to the satisfaction of the proper authorities, that they are of Muskogee descent, and not further removed than the fourth degree.

Sec. 2. All persons who have been at any time adopted by the recognized authorities of the Muskogee Nation, and all persons of African descent, who were made citizens by the treaty of June, 1866, between the Creek Nation and the United States, shall hereafter be recognized as citizens of the Muskogee Nation.

Sec. 3. Any person claiming citizenship under these provisions, shall, in order to establish his or her rights, prove the same by a responsible and disinterested native witness before the district court.

ARTICLE II.

PERSONS TO WHOM CITIZENSHIP HAS BEEN GRANTED.

Sec. 1. The following persons are hereby declared full citizens of the Muskogee or Creek Nation, and they shall be subject to the Creek laws, and shall have all the rights, privileges and immunities of the original members of the tribe :

Robert Childers,	Luveney Grayson,
Daniel Childers,	Benton Grayson,
James Childers,	Daniel Grayson,
Napoleon Childers,	Valintia Grayson,
Josephine Childers,	Rachel Grayson,
Louis Childers,	Menervia Grayson,
Joe McGilbra,	Alice Grayson,
Old Sutum,	Lizzie Grayson,
Morris Sancho,	James Hawkins,
Mary Ann Bittle,	Robert Drew,
Dick Grayson,	Marron Drew,
Nina Grayson,	Annie Drew,
Diana Grayson,	James Drew,
Richard Grayson,	Samuel Drew,
Delsey Grayson,	Alex Drew,
Hannah Grayson,	Sandy Strawng,
Moses Grayson,	Peggy McIntosh,
Savier Grayson,	Thomas Hawkins,
Mary Grayson,	Jacob Barrett,
Maryanna Grayson,	Racey Drew,
Josh Grayson,	Bill Drew,
Michael Grayson,	Johnson Drew,
Dolly Grayson,	Celia Drew,
Sandy Grayson,	Nellie Drew,
Fannie Grayson,	Dick Drew,
James Bay Grayson,	David Drew,
Samuel Grayson,	Peter Drew,
Jack Grayson,	Abb Nivins,
Aaron Grayson,	Tilley Grayson,
Judia Grayson,	Mitchell Grayson,

Morris Grayson,
Joe Grayson,
Leah Grayson,
Celia Grayson,
Abram Grayson,
Amanda Grayson,
Sharper Grayson,
Pennany Grayson,
Caroline McIntosh,
Fannie McIntosh,
Calter McIntosh,
Warrior McIntosh,
Old Man Dean,
Nancy Dean,
Elias Dean,
Pina Perryman,
Edward Johnson,
Fannie McGilbra,
Mariah McGilbra,
Harriet McGilbra,
Jim McGilbra,
Sarah McGilbra,
Julia McGilbra,
Luke McGilbra,
Patsey McGilbra,
Dolly McGilbra,
Nero McGilbra,
Robb McGilbra,
Lizzie McGilbra,
Eliza McGilbra,
Billy McGilbra,
Ben McGilbra,
Jack McGilbra,
Nancy McGilbra,
Lizzie McGilbra,
Amy McGilbra,
Thomas McGilbra,
James McGilbra,
Kezziah McGilbra,

Betty McGilbra,
Jimmy McGilbra,
Suzki McGilbra,
Juda McGilbra,
Monday McGilbra,
Jake McGilbra,
Tinne McGilbra,
Stephen McGilbra,
Joe McGilbra,
Israel McGilbra,
Cintha McGilbra,
Jimmie McGilbra,
Mollie McGilbra,
Cookie McGilbra,
Vircie McGilbra,
Quash McGilbra,
Abe McGilbra,
Lany McGilbra,
Rina McGilbra,
Rosa McGilbra,
Lizzie McGilbra,
Jimmie McGilbra,
Philisa McGilbra,
Maria McGilbra,
Rentie McGilbra,
Susie McGilbra,
Henderson McGilbra,
Marye McGilbra,
George McGilbra, Sr.,
George McGilbra, Jr.,
William McGilbra,
Ereen McGilbra,
York McGilbra,
John McGilbra,
Darkis McGilbra and
four children,
Anna McGilbra and
one child.

ARTICLE III.**INTERMARRIED NON-CITIZENS.**

Sec. 1. All non-citizens, not previously adopted, and being married to citizens of this Nation, or having children entitled to citizenship, shall have a right to live in this Nation and enjoy all the privileges enjoyed by other citizens, except participation in the annuities and final participation in the lands, and in case of removal from the limits of our Nation shall not have the right to sell their improvements, provided that such person shall satisfy the Principal Chief as to their good character and honest intentions, and provided that the Principal Chief shall grant to such person permit to reside in the Nation during good behavior.

Sec. 2. The Principal Chief is hereby authorized to grant the permits herein provided for.

ARTICLE IV.**RIGHTS AND DISABILITIES OF NON-CITIZENS.**

Sec. 1. No non-citizen shall have a right to reside in or to own any kind of property within the Muskogee Nation, except by permit, and any non-citizen, without a permit, who shall make any improvements within the Muskogee Nation, shall forfeit the same to the Nation.

Sec. 2. This article shall not be construed so as to interfere with persons who are intermarried with citizens of the Muskogee Nation, or so as to interfere with any rights guaranteed by treaty.

ARTICLE V.**TRADERS.**

Sec. 1. All persons who carry on any business transaction within the limits of this Nation, under license from the United States Government, shall be required to pay the sum of one hundred dollars per annum into the

National treasury of this Nation, and it shall be the duty of the light horse captains to collect the same.

Sec. 2. No non-citizen licensed trader, who has not intermarried with a citizen of this Nation, shall be allowed to enclose more than two acres of our public domain, nor be allowed to cut and put up hay from our common pasturage, and any non-citizen, not intermarried, licensed trader, found cutting and putting up hay from the common pasturage shall be fined ten dollars per acre, for each acre so cut and put up.

Sec. 3. No non-citizen, not intermarried, licensed trader, shall be allowed to keep stock ranches nor permanent herds of cattle within the limits of this Nation; and any licensed trader of this class, who shall disobey this provision, shall be reported to the United States agent, by the district attorney in whose district the trader is doing business, with the request that said person's license be revoked, and that they be removed from the limits of the Muskogee Nation.

ARTICLE VI.

EMPLOYMENT OF NON-CITIZENS.

Sec. 1. No citizen of the Muskogee Nation, nor parties residing in the Muskogee Nation by reason of marriage, shall hire, rent or lease any portion of his land or claim to a citizen of the United States, nor shall any permit be issued to a citizen of the United States, as either farm laborer, herder of stock or laborer of any kind.

Sec. 2. Any citizen of the Muskogee Nation violating this article shall, upon conviction, be fined not less than fifty dollars, which fine shall be collected by the captain of the light horse, who is hereby authorized to sell any goods or property found in possession of the party fined, to the amount of the fine. One-fourth of the fine shall be retained by the captain of the light horse, one-fourth by the prosecuting attorney, and the remaining half shall be paid into the National treasury.

Sec. 3. This article shall not be so construed as to prevent a citizen of the Muskogee Nation, or those acting under authority of the Muskogee Nation, from employing teachers, mechanics, physicians or clerks, who are citizens of the United States.

ARTICLE VII.

LEASING LAND ON M. K. & T. R. R. TO NON-CITIZENS.

Sec. 1. All citizens of the Muskogee Nation having locations or claims within the limits of three miles of the M. K. & T. R. R., passing through this Nation, are hereby prohibited from renting or leasing the same to any non-citizen.

Sec. 2. Any citizen violating this article shall pay the sum of two hundred (\$200) dollars to the treasurer of the Muskogee Nation, to be placed to the credit of the general funds, and it shall be the duty of the light horse captain of the district in which the offense is committed to collect the same.

ARTICLE VIII.

STOCK OF NON-CITIZENS.

Sec. 1. No person residing within the Muskogee Nation, under permit, shall be allowed to keep within the limits of the Nation any stock, other than such as shall be necessary for immediate use as work stock.

Sec. 2. It is hereby made the duty of the prosecuting attorney to notify any person who may be so holding stock within his district, to remove the same within thirty days from the receipt of the notice; and should such person fail to remove the same within said length of time, it shall be the duty of the prosecuting attorney to notify the United States agent.

ARTICLE IX.

DROVERS AND MOVERS.

Sec. 1. Drovers and movers shall be allowed to pass through the Muskogee Nation free of tax, provided that

not more than *twenty-five* days are consumed in making the journey; but where more than twenty-five days are consumed in passing through the Nation, the owner or person in charge of the stock, shall pay a tax of five (5) cents per head for each day so consumed over the twenty-five days, providing such delay is not caused by high water or other providential hindrance.

Sec. 2. It shall be the duty of the captain of the light horse of such district wherein such drovers or movers may be found, to collect said tax, one-half to be retained for himself, and the other half to be paid into the National treasury, he reporting the amount of the tax to the National auditor as soon as the same is collected.

Sec. 3. Should any drover include in his drove any stock belonging to a citizen of the Muskogee Nation, and drive the same over one mile, he shall be required to pay at the rate of one dollar per head for all stock so driven.

ARTICLE X.

CREEK AGENT.

Sec. 1. The Creek agent shall be allowed to use timber any where within the vicinity of the new agency.

ARTICLE XI.

TIMBER CUT BY NON-CITIZENS.

Sec. 1. No person, not a citizen of the Muskogee Nation, shall be allowed to cut and sell any timber belonging to the public domain of the Nation, unless he has authority through a citizen in accordance with existing laws; and any person who shall violate the above law shall forfeit all timber so cut, and shall be reported to the United States agent as a violator of law.

Sec. 2. The prosecuting attorney of the district wherein such law is violated, shall enforce the same. All timber so seized by him shall be sold to the highest bidder, and fifteen per cent. of the proceeds shall be retained for his own benefit, and the remainder shall be turned into the National treasury.

CHAPTER VIII.

LIVE STOCK.

ARTICLE I. Stock Brands.

II. Estrays.

III. Purchase of Stock from Drovers.

IV. Introduction of Cattle and Horses.

ARTICLE I.

STOCK BRANDS.

Sec. 1. Each citizen of the Muskogee Nation shall be required to furnish the district judge of the district in which he resides, and in which his cattle range, with the brand or brands of his stock, or stock held in his possession, and the district judge shall keep a record of the same. Each district judge shall furnish each of the other district judges with a true record of all stock brands in his district.

Sec. 2. No brand shall be recognized by the citizens of the Muskogee Nation unless the same be recorded according to the provisions of this article.

ARTICLE II.

ESTRAYS.

Sec. 1. Any person finding and taking up estray property, shall report the same to the light horse captain of the district in which such estray is found, giving a full description of the same.

Sec. 2. It shall be the duty of the light horse captain to post and advertise all estray property reported to him, for the period of six months, and at the expiration of said time he shall offer the same at public sale, and shall sell the same to the highest bidder, taking in payment National script or cash in hand, giving due notice of the time and place of sale.

Sec. 3. Any person finding and reporting estray property to the light horse captain, shall take charge of such estray, and shall appear with it at the time and place of sale.

Sec. 4. Any person finding his or her property posted or advertised, shall, upon proving the fact, be possessed of the same, upon paying at the rate of *two* (2) dollars per head for horses and cattle, and fifty (50) cents per head for smaller stock.

Sec. 5. All money accruing from the sale of estrays, except one-third, which shall be paid to the person who shall have taken charge and care of the same, shall be paid into the National treasury.

Sec. 6. Any person buying estray property at public sale, shall be required to keep the same for a period of six months before he is at liberty to sell or make any other disposition of the same; and should any person find his or her property within six months after it has been posted and sold, and proves the fact, he or she shall be entitled to the same.

Sec. 7. Should any person find his or her property after the expiration of six months from the sale, he shall be entitled to the amount accruing from the sale, except the one-third which shall have been paid to the person having had charge of the same.

Sec. 8. Any person taking and proving his or her property, which may have been sold as estray, shall pay one-third of the amount for which the same shall have been sold to the purchaser, and shall receive the other two-thirds from the National treasurer.

Sec. 9. All live stock which shall stray from persons not citizens of the Muskogee Nation, shall be subject to the Muskogee estray laws.

ARTICLE III.

PURCHASE OF STOCK FROM DROVERS.

Sec. 1. In all cases where citizens of this Nation shall purchase live stock from drovers passing through the

country, there shall be taken with such stock a bill of sale for the same, and said bill of sale shall describe the property, giving the marks, brands, &c., which shall be written in ink, and shall be signed by two witnesses.

Sec. 2. Should any drover, passing through the country, lose his stock by stampeding or otherwise, and should he employ a citizen of the Muskogee Nation to hunt up and deliver the same, the terms of such contract shall, in order to be binding, be distinctly understood before witnesses.

Sec. 3. Such witnesses as are mentioned in this article, shall be persons well known for their veracity and honesty in the community in which they live, and any purchasing and contracting party failing to comply with this law, shall forfeit his claim to the purchased property, or to the benefit of the contract.

ARTICLE IV.

INTRODUCTION OF CATTLE AND HORSES.

Sec. 1. The importation, by any other means except by railroad, and the transit through our domain of cattle or horses, from the fifteenth day of April until the last day of October, of each year, from the State of Texas, and that portion of the State of Arkansas, situated south of the Arkansas River, is hereby prohibited.

Sec. 2. It is hereby made the duty of the light horsemen of the Muskogee Nation to guard our frontier against the introduction of cattle and horses as mentioned in this act; and should such horses or cattle gain such an entrance, it shall be the duty of the light horsemen to meet them and turn them back.

Sec. 3. It shall be the duty of the Principal Chief to furnish such aid in carrying out the provisions of this act as shall be necessary for their strict enforcement.

CHAPTER IX.

LAWS GOVERNING ELECTIONS.

Sec. 1. The election of the First and Second Chief and members of the National Council shall take place on the first Monday in September, and shall be conducted in the following manner :

1. Each town shall convene on the day specified.

2. The members of the National Council shall be judges of election in their respective towns; but in the event of their disability by reason of sickness, &c., the Town Chief shall be the judge.

3. The election rolls shall be closed and sealed when the day of election has ended.

4. Before the roll has been sealed, a duplicate of the same shall be taken and retained by the Town Chief.

5. The sealed copy of the roll shall be forwarded to the President of the House of Kings.

6. The rolls shall be opened at the meeting of the Annual National Council by a committee appointed by the Council, and the duplicate roll left in the hands of the Town Chief shall be compared with the same.

7. The said committee shall count the votes.

8. When the votes have been counted and the result ascertained, it shall be declared and promulgated by the Principal Chief by proclamation.

9. All officers elected under the foregoing laws shall enter upon the duties of their office on the fifth day of December following.

Sec. 2. The election of light horsemen of each district shall be held on the second Monday in September, before the expiration of the term of those holding the office.

CHAPTER X.

ADMINISTRATION OF PROPERTY.

Sec. 1. When any male citizen of this Nation shall die without having made a will, it shall be the duty of the judge of the district wherein such deceased person may have resided to grant letters of administration to any citizen of this Nation who may request the same, and such person shall be required to give bond in double the value of such estate, with at least two good securities, each of whom shall also own property equal to twice the value of such estate.

Sec. 2. All estates of deceased persons shall be valued by the judge and two disinterested persons.

Sec. 3. The administrator shall, at all times, be required to make and provide liberal means for the support and education of all heirs of the deceased, to make any trade that may be of advantage to such estate, and to advise and direct the affairs of such heirs until they shall have become of age, according to the laws of this Nation, or until such heirs shall marry, in which event the administrator shall turn over to such heirs, of his or her inheritance, everything connected with the estate that may have been placed in his care, or its equivalent in money or other property.

Sec. 4. If an administrator, when required to do so, fails to turn over everything connected with an estate of which he shall have had charge, or its equivalent in money or other property, the proper authority shall seize the goods or property of his securities, and appropriate therefrom sufficient to make up any deficiency that may occur in the value of the estate; and if any person shall sign a bond as security, and afterwards die, the

estate of such security shall in all cases be held responsible.

Sec. 5. When no person shall ask letters of administration, it shall become the duty of the judge to appoint a suitable person, who upon giving sufficient bond and security shall act as administrator.

Sec. 6. In case of the death of a female, if there be a husband and children living, he shall have the preference of administratorship, and in the event of there being no children living, the nearest relative shall have preference.

Sec. 7. The administrator or administratrix of an estate shall be entitled to twenty-five per cent of every dollar's worth of such estate that may be rendered at the expiration of such administration.

Sec. 8. The lawful or acknowledged wife of a deceased husband shall be entitled to one half of the estate, if there are no other heirs, and an heir's part, if there should be other heirs, in all cases where there is no will. The husband surviving shall inherit of a deceased wife in like manner.

Sec. 9. The homestead and household and kitchen furniture, one work-horse, one cow and calf, and one breeding sow, shall be exempt from seizure or force sale for any debt.

Sec. 10. Provided that an estate is solvent, the administrator shall settle up and cancel all debts and accounts against the estate, out of the estate's effects.

CHAPTER XI.

SALE OF TIMBER, COAL, ETC., FROM THE CREEK DOMAIN.

Sec. 1. Any citizen or company of citizens of this Nation, who may desire to dispose of sawed or rough lumber to non-citizens, either in or outside of this Nation, shall, before doing so, obtain a license from the National treasurer, and shall file a bond before him with good security in the penal sum of *five thousand* (\$5,000) *dollars*, conditioned upon the compliance with the provisions hereinafter expressed.

Sec. 2. Such person or persons so using or disposing of sawed or rough lumber, shall report by the first day of September in each year, on oath, to the National treasurer, the amount of funds received by them by such disposition, and at the same time pay into the National treasury fifteen per cent. on the amount reported. Any person or persons who may violate this provision shall forfeit the said bond for the benefit of the treasury of the Nation and be deemed guilty of high misdemeanor, and on conviction before the proper tribunal of the district in which the offense may have been committed be fined not less than *one hundred* nor more than *five hundred* dollars at the discretion of the court.

Sec. 3. Any citizen or citizens of this Nation contracting with any railroad company to furnish ties or other material shall, before doing so, obtain a license from the treasurer of the Nation for that purpose, and file a bond with good security in the penal sum of *one thousand dollars* (\$1,000), conditioned upon the compliance with this law, and only for the purpose of furnishing such ties and materials as shall be mentioned in the contract.

Sec. 4. All persons furnishing ties and material under

this law, are hereby required to pay to the National treasurer, for the benefit of the Nation, as follows: For every tie, 10 cents; bridge or railroad timber, sawed or rough, fifteen per cent. of actual cash value of the same; for every telegraph pole, 15 cents; for every cubic yard of stone, first class, 15 cents; for every cubic yard of stone, second class, 10 cents; for every cubic yard of stone, third class, 5 cents.

Sec. 5. It shall be the duty of said citizens so licensed, to report by the first of September in each year, to the National treasurer, under oath, as to the amount and kind of materials furnished said railroad companies, and pay over to the treasurer the amount due on said material.

Sec. 6. No person furnishing, as aforementioned, shall be permitted to intrude or trespass upon the improvements or rights of any citizen of this Nation without the consent of such citizen.

Sec. 7. No citizen of the Muskogee Nation, or corporation of such citizens, shall be permitted to contract with any single railroad company for the furnishing of more than five thousand (5,000) ties, and any party violating this provision shall forfeit to the Muskogee Nation double the amount of his or her contract, to be recovered before any court of this Nation having jurisdiction over the same.

Sec. 8. Should any citizen or corporation of citizens of the Muskogee Nation, desire to mine coal for speculative purposes, they shall have the right to do so by applying to the National treasurer and obtaining a license for that purpose, by giving bond with approved security in the penal sum of *two thousand dollars* (\$2,000), conditioned upon the requirements of this law as hereinafter expressed.

Sec. 9. Such citizen or citizens so licensed shall have the right of mining and selling coal within or without the limits of this Nation, and shall report to the National treasurer, under oath, by the first day of September of each year, the quantity so mined and disposed of,

and shall turn over to the National treasurer one cent for each bushel so mined and disposed of.

Sec. 10. This law shall not be so construed as to prevent citizens from using and mining coal for home consumption, or from selling the same in small quantities.

Sec. 11. Any person or persons undertaking to mine coal, quarry stone, cut railroad ties or timber, sawed lumber or telegraph poles, without first obtaining authority to do so, under the provisions of this chapter, shall be deemed guilty of high misdemeanor and be liable to a fine of *five hundred* dollars and subject to forfeiture of work so done.

Sec. 12. It shall be the duty of the prosecuting attorney to indict and prosecute such offenders in their respective districts, and for the services he shall receive fifteen per cent. of all fines recovered.

Sec. 13. Persons not citizens violating this act, shall be reported through the proper officers to the United States authorities, for removal beyond the limits of this Nation, and all such material as above mentioned, in their possession, shall be seized and sold for the benefit of the Nation.

CHAPTER XII.

MISCELLANEOUS.

- ARTICLE I. **Liabilities of Employers.**
- II. **Unrecognized Offspring.**
- III. **Public Ferryboat Landings.**
- IV. **Claims of Citizens on the Line of Railroads.**
- V. **Public Blacksmiths.**
- VI. **Quarterly Payment of Standing Officers.**
- VII. **Attorneys at Law.**
- VIII. **Towns.**
- IX. **Officers to hold but one Office.**
- X. **Work on Public Roads.**
- XI. **Liabilities of Borrowers and Hirers.**
- XII. **Mill Committee.**
- XIII. **Census.**
- XIV. **Delegates to International Council.**

ARTICLE I.

LIABILITIES OF EMPLOYERS.

Sec. 1. Should any citizen of the Muskogee Nation employ another citizen to perform any labor, or engage in any business, and should such employee receive or sustain any injury while in such employment, the employer shall not be liable to any fine or punishment for the same.

ARTICLE II.

UNRECOGNIZED OFFSPRING.

Sec. 1. Should any person or persons appear, claiming to be the child or children of any deceased male citizen of this Nation, should it be proved that such deceased citizen did not during life recognize such person or persons as offspring, then such persons shall not be entitled to any share in the estate of the deceased.

ARTICLE III.

PUBLIC FERRYBOAT LANDINGS.

Sec. 1. Should any person be the rightful owner of a ferryboat landing on any river in this Nation, and should said landing be occupied by another without the owner's consent, it shall be the duty of the captain of the light horse of the district in which such landing is situated, to dispossess such illegal occupants and repossess the proper owners of the same; and no person shall have the right to establish another landing within one-half of a mile of such landing without the owner's consent.

ARTICLE IV.

CLAIMS OF CITIZENS ON THE LINE OF RAILROADS.

Sec. 1. All citizens of this Nation having improvements or residences on the line of any railroad, within three miles distance of the same, on either side, and all citizens who may hereafter make improvements or build residences on the same, shall have the exclusive right to a claim of one square mile of land to each and every family.

Sec. 2. Should two or more families live so near each other as to place them on one reserve, each and all of them shall hold in common their reserve, all in one body, at the rate of one square mile to each family, with the privilege of selling out their respective claims to each other, and taking up a new and unoccupied claim at some other point.

Sec. 3. No citizen holding a claim on the line of any railroad shall have the right to transfer or sell his or her claim to any person not a citizen of this Nation.

Sec. 4. All stone or other mineral and timber that may be on the above-named reserves, shall be considered as belonging to and part of the public domain, and shall not be disposed of only as in accordance with the

laws regulating the disposition of timber, stone and mineral in other parts of the public domain.

Sec. 5. This article shall not be so construed as to debar the owner of any claim from protecting any person using any timber, stone or other mineral that may be on his or her claim, except when it is for the use of the public.

ARTICLE V.

PUBLIC BLACKSMITHS.

Sec. 1. The wheelwright and wagonmakers' fund are hereby diverted from the purpose for which they were originally intended, and are set apart for the support of public blacksmith shops.

Sec. 2. There shall henceforth be six (6) blacksmith (public) shops in the Muskogee Nation, to be located by and under the direction of the superintendent of education; each neighborhood, however, shall furnish the necessary shop buildings.

Sec. 3. Each blacksmith, to be employed by the superintendent of education, shall work three and a half months in each year, and shall receive the sum of seventy-five dollars (\$75) per month; shall furnish his own tools and striker, or assistant.

Sec. 4. Each smith shall perform all work pertaining to his business for the citizens of the Muskogee Nation, but shall shoe no horse, nor shall he perform any work for any person not a citizen of this Nation during his term of service.

ARTICLE VI.

QUARTERLY PAYMENT OF STANDING OFFICERS.

Sec. 1. All officers of the Muskogee Nation shall be paid quarterly, and the Principal Chief shall issue warrants to them at the end of each quarter.

ARTICLE VII.

ATTORNEYS AT LAW.

Sec. 1. Any person of good moral character, desiring to practice law before any district court of this Nation,

shall be privileged to do so by applying to one of the district judges, who shall grant him a commission to practice law in that district, for which he shall pay the sum of ten dollars; and any person of good moral character, desiring to practice in all the courts of this Nation, shall be permitted to do so by making application to one of the supreme judges, receiving a commission and paying twenty dollars for the same.

ARTICLE VIII.

TOWNS.

Sec. 1. No town or towns of this Nation shall be permitted to divide and form two or more towns, nor shall any number of citizens at any time assemble and form a new town, without the consent of the entire Muskogee Nation.

ARTICLE IX.

OFFICERS TO HOLD BUT ONE OFFICE.

Sec. 1. Any officer of this Nation who shall be elected to a second office, and shall accept such second election and office, shall by such acceptance be considered as having vacated the first office; and no person shall be allowed to hold two National or other offices under this government at the same time.

ARTICLE X.

WORK ON PUBLIC ROADS.

Sec. 1. The citizens of each district shall work on the public roads of the district four days in each year, two days during the first half and two days during the latter half of the year. Each district shall govern its own work.

ARTICLE XI.

LIABILITIES OF BORROWERS AND HIRERS.

Sec. 1. The borrower of any species of property shall be liable for any and all damages and losses which may occur to such property while it is in his or her posses-

sion, but the hirer of such property shall not be liable for such loss or damage unless it can be proved that said damage or loss occurred through his or her neglect or ill treatment.

Sec. 2. But when any person shall hire property according to a certain contract, the terms of which can be proved, then this article shall not be so construed as to in any manner invalidate the same.

ARTICLE XII.

MILL COMMITTEE.

Sec. 1. A standing committee of five persons, consisting of the Principal Chief, Second Chief, President of House of Kings, Speaker of House of Warriors, and National Treasurer, shall be called the "Mill Committee," and shall be empowered to let out and conclude contracts on the part of the Muskogee Nation, pertaining to the construction of mills and the working of salines.

ARTICLE XIII.

CENSUS.

Sec. 1. In all enumerations of the Muskogee people, the wife and children shall be counted in the town wherein the husband is counted; *provided, however,* that nothing in this article shall be construed so as to deprive any town of its rightful members.

ARTICLE XIV.

DELEGATES TO INTERNATIONAL COUNCIL.

Sec. 1. The delegates empowered to represent this Nation in the International Council, shall consist of two, to be elected by the National Council in committee of the whole.

Sec. 2. The duties of said delegates shall be as follows:

1. To oppose all measures looking towards the territorialization or sectionization of our public domain.

2. To oppose all measures looking toward any change in our present relations with the United States government.

3. In all other matters to represent the interests of the Muskogee people in such manner as they deem will conduce most to the welfare and prosperity of the Indian race.

4. To report annually to the National Council of the Muskogee Nation.

Sec. 3. Each delegate shall be allowed the sum of three dollars per day during the time of active service, and mileage at the rate of ten cents per mile going and returning from the International Council.

CHAPTER XIII.

CHARTERS FOR TOLL BRIDGES.

ARTICLE I.

A bill granting Delilah Drew the right to construct a toll bridge across Little Elk Creek.

Be it enacted by the National Council of the Musko-gee Nation: That the privilege is hereby granted to Delilah Drew to establish a toll bridge at a place on the public road in this Nation, leading from North Fork Town to Fort Gibson, on Little Elk Creek, on the following conditions and terms :

That if the said Delilah Drew builds a good and substantial bridge across the said Little Elk Creek, and keeps the same in good repair, she shall be entitled to demand and receive therefor from all persons, not citizens of this Nation, the rate of tolls as follows :

For each wagon drawn by more than four horses and driver, the sum of seventy-five cents.

For each wagon drawn by four animals and driver, the sum of fifty cents.

For each wagon or vehicle drawn by one or two animals with driver, twenty-five cents.

For man and horse, ten cents.

For each animal in every drove of horses, cattle, hogs, and sheep, the sum of one cent per head.

Be it further enacted: That the privilege of receiving toll herein given, shall not take effect until said bridge is completed, and shall continue in force for fifteen years, provided said bridge is kept in good order and repair.

Be it further enacted: That if any person or persons, not citizens of this Nation, refuses to pay the toll afore-

said, upon application, with proper proof, being made to the United States agent for the Muskogees, he shall take such steps as may be necessary to receive and collect the same.

Be it further enacted: That no other person or persons shall have the right to establish a bridge or make a public road across said creek within one-half mile on each side of the bridge provided for.

Be it further enacted: That this act take effect and be in full force from and after its passage.

Approved March 9th, 1871.

ARTICLE II.

A bill granting William F. McIntosh the right to establish a bridge across Big Elk Creek.

Be it enacted by the National Council of the Muskogee Nation: That the privilege is hereby granted to William F. McIntosh to establish a toll bridge on the public road leading from North Fork Town to Fort Gibson, on Big Elk Creek, on the following conditions and terms:

That if the said William F. McIntosh builds a good and substantial bridge across the said Elk Creek, and keeps the same in good repair, he shall be entitled to demand and receive therefor from all persons, not citizens of this Nation, crossing the bridge the rate of tolls as follows:

For every vehicle drawn by more than four animals and driver, seventy-five cents.

For each vehicle drawn by four animals and driver, fifty cents.

For each vehicle drawn by one or two animals and driver, twenty-five cents.

For one man and horse ten cents.

For each animal in every drove of cattle, horses, hogs, or sheep, one cent per head.

Be it further enacted: That if any person, not a citizen of this Nation, refuses to pay toll as above men-

tioned, upon application, with proper proof, being made to the United States agent for the Muskogees, he shall take such steps as may be necessary to receive and collect the same.

Be it further enacted : That no person shall have the right to establish a bridge or make a public road within one-half mile of said toll bridge on either side thereof.

Be it further enacted : That this act shall continue in force fifteen years.

Approved March, 1871.

ARTICLE III.

Charter to Short John to build and keep a toll bridge on the We-wo-ka River, We-wo-ka District.

EXECUTIVE OFFICE, MUSKOGEE NATION, }
 March 4th, 1880. }

By virtue of authority vested in me by act of the National Council of the Muskogee Nation, approved December 15th, 1879, I, Samuel Checote, Principal Chief of the Muskogee Nation, do hereby grant unto Short John, a citizen of the Muskogee Nation, and his heirs, the right to keep a toll bridge on the We-wo-ka River, in We-wo-ka District, on the road leading from Okmulgee, Muskogee Nation, to Stonewall, Chickasaw Nation, under the following conditions, to-wit :

First.—The bridge shall be kept in good repair, so that no danger in passing over the same shall be incurred by the traveling public, and shall be easy of access.

Second.—The grantees herein mentioned shall be entitled to demand and receive from all persons passing over the bridge, except citizens of the Muskogee Nation, the following sums, namely :

1. For each vehicle drawn by more than four animals, with driver, *seventy-five cents* (75 cents.)

2. For each vehicle drawn by four animals, with driver, *fifty cents* (50 cents.)

3. For each vehicle drawn by two animals, with driver, *twenty-five cents* (25 cents.)

4. For one person with animal, either rode or driven, *ten cents* (10 cents.)

5. For each animal in every drove of cattle, horses, sheep, goats, mules, or other live stock, *one cent* (1 cent.)

Third.—No other person or persons shall have the right to establish a bridge or make a public road across said stream, within one-half mile of the bridge herein provided for, except by and with consent of the grantees herein mentioned.

Fourth.—If any persons, not citizens of this Nation, refuse to pay the toll aforesaid, upon application, with proper proof, being made to the United States agent for the Muskogeas, such steps shall be taken as may be necessary to collect the same.

Fifth.—This charter shall not interfere with any similar rights now in existence.

Witness my hand and great seal of the Muskogee Nation the date above written.

[SEAL.]

SAMUEL CHECOTE,
Principal Chief Muskogee Nation.

CHAPTER XIV.

CARE AND PROTECTION OF THE CAPITOL BUILDING AND GROUND.

Sec. 1. Any person willfully injuring or defacing the capitol building, or the furniture and other appurtenances, or unlawfully trespassing upon the premises, shall be punished by fine, and in case of failure to pay the fine shall be whipped.

Sec. 2. Entering the capitol building at any time, or being found therein at any time, when the building is not open for public admission, shall be deemed a trespass, and any person so trespassing shall pay a fine of not less than two dollars and a half (\$2.50), nor more than twenty-five dollars (\$25.)

Sec. 3. When unlawful damage or injury shall have been done, the person guilty thereof shall be fined an amount to cover the cost of the damage or injury done.

Sec. 4. All fines accruing under this act shall be paid immediately. If not paid in six hours, then the court shall order the light horse of the district to levy upon sufficient property of the convicted person, and sell the same according to law, and pay the amount of judgment into the National treasury; *provided, however*, that if the offender within six hours give solvent bond for the amount of judgment, to be collected within thirty days, the judge may suspend execution for that length of time; but if at the end of thirty days payment has not been made, then execution shall immediately issue, first upon the property of the offender, and if sufficient to cover the amount of judgment cannot there be had, then upon the property of the other bondsmen.

Sec. 5. A janitor shall be selected by each session of the National Council to serve the ensuing year, and he shall receive the sum of one hundred and fifty dollars

per annum. He shall be liable to suspension or removal from office, by the Principal Chief, for neglect of duty as herein prescribed.

Sec. 6. The janitor shall be a citizen of the Creek Nation; he shall inspect the capitol building not less than once a week, and during the intervals between the sessions of the National Council he shall keep the windows and doors closed and the doors locked, except when the building is in use, or when he is ventilating the same, which he shall do as often as is necessary, and not less than once a month.

Sec. 7. The janitor shall open the building for religious services as often as may be necessary, and shall attend the sessions of the Teachers' Institute, and all public meetings of the citizens held at the capitol.

Sec. 8. The Principal Chief shall appoint three citizens of Okmulgee and vicinity as a committee, without compensation, to suggest to the janitor such attention to the capitol grounds as may be necessary, and not specially named in this bill, but this provision shall not be construed so as to authorize any expenditure of money on account of the capitol building and grounds not provided for by the National Council.

Sec. 9. The committee herein provided for may permit the use of the capitol building for lectures of useful instruction and moral character.

Sec. 10. All moneys paid into the National treasury from fines accruing under this law, and from rent of capitol building halls, shall constitute a fund for the use of the capitol grounds.

Sec. 11. It shall be the duty of the prosecuting attorney to prosecute for all offenses herein named before any competent jurisdiction of the Muskogee Nation.

Sec. 12. The janitor shall report all persons damaging any part of the building, furniture and appurtenances, making specification of the article damaged or injured, together with cost of damage or injury according to his knowledge.

COMPACT.

Be it enacted by the National Council of the Muskogee Nation: That the compact entered into between the Cherokee, Muskogee, Seminole, Osage, and other nations, on the fourth of June, 1870, at Okmulgee, Muskogee Nation, be and the same is hereby accepted and adopted.

COMPACT.

Whereas, The late war has extinguished our ancient council fires, and changed our positions in regard to each other; and,

Whereas, By solemn treaties we are assured by the Government of the United States that the lands we possess shall be the undisturbed home of ourselves and our posterity forever; therefore,

We, the authorized representatives of the several nations, parties hereto, assembled around the great council fire at Okmulgee, Muskogee Nation, in order to preserve the existence of our race, to renew and cultivate just and friendly relations between our several communities, to secure to all their respective rights, and to promote the general welfare, do enter into the following compact:

Section 1. Peace and friendship shall be forever maintained between the nations, parties to this compact, and their respective citizens.

Section 2. Revenge shall not be cherished, nor retaliation be practiced for offenses committed by individuals.

Section 3. To provide for the improvement of our people in agriculture, manufactories, and other domestic arts adapted to promote the comfort and happiness of our women and children, a fixed and permanent location on our own lands is an indispensable condition. In order, therefore, to secure these important objects, to prevent

any future removal, and to transmit to our posterity an unimpaired title to the lands guaranteed to our respective nations by the United States, we hereby pledge ourselves to each other solemnly that no nation, party to this compact, shall, without the consent of all the other parties, cede or in any manner alienate to the United States, or any railroad company or corporation, any part of their present domain within the limits of the Indian Territory, permanently guaranteed to them by the United States, except for the purposes and in the manner authorized by existing treaties between the United States and the respective nations parties to this compact.

Section 4. If a citizen of one nation commits willful murder or other crime within the limits of another nation party hereto, he shall be subject to the same treatment as if he were a citizen of that nation. In cases of property stolen or taken by force or fraud, the property, if found, shall be restored to the owner, but if not found, the convicted person shall pay the full value thereof.

Section 5. If a citizen of any nation, party to this compact, shall commit murder or other crime, and flee from justice into the territory of any other nation party hereto, such criminal shall, on demand of the Principal Chief of the nation from which he fled, accompanied with reasonable proof of his guilt, be delivered up to the authorities of the nation having jurisdiction of the crime.

Section 6. We hereby further agree, that if any one of our respective citizens shall commit murder or other crime upon the person of any other citizen in any place beyond the limits of our several territories, the person so offending shall be subject to the same treatment as if the offense had been committed within the limits of his own nation.

Section 7. Any citizen of one nation may be admitted to citizenship of any other nation party hereto, by consent of the proper authorities of said nation.

Section 8. The use of ardent spirits being a fruitful source of crime and misfortune, we recommend its sup-

pression within our respective limits, and agree that no citizen of one nation shall introduce it into the territory of any other nation party to this compact; and in case of such violation, he shall be dealt with according to the laws of the nation in which the offense was committed.

Section 9. The Executive of any nation, deeming it necessary to call the International Council, shall have the right to convene a general council of the parties to this compact.

Section 10. Any nation or tribe who may wish to become a party to this compact, shall have the right to do so by signing the same through their proper authorities.

Section 11. The articles in the foregoing compact shall be deemed binding on the parties when approved by their respective national councils.

UNITED STATES STATUTES

Which Affect the Citizens of the Muskogee Nation.

UNITED STATES STATUTES—INDIAN AFFAIRS.

Section 2064. Indian agents are authorized to take acknowledgments of deeds and other instruments of writing, and to administer oaths in investigations committed to them in Indian country, pursuant to such rules and regulations as may be prescribed for that purpose by the Secretary of the Interior, and acknowledgments so taken shall have the same effect as if taken before a justice of the peace.

Section 2078. No person employed in Indian affairs shall have any interest or concern in any trade with the Indians, except for, and on account of, the United States, and any person offending herein shall be liable to a penalty of five thousand dollars, and shall be removed from his office.

Section 2083. * * * * All purchases on account of Indians, and all payments to them * * shall be made by such person as the President shall designate for that purpose.

Section 2087. No annuities, or moneys, or goods, shall be paid or distributed to Indians while they are under the influence of any description of intoxicating liquor, nor while there are good and sufficient reasons leading the officers or agents, whose duty it may be to make such payments or distribution, to believe that there is any species of intoxicating liquor within convenient reach of the Indians. * * *

Section 2093. All moneys received from the sale of lands that have been, or may be hereafter, ceded to the

United States by Indian tribes, by treaties providing for the investment or payment to the Indians, parties thereto, of the proceeds of the lands ceded by them, respectively, after deducting the expenses of survey and sale, any sums stipulated to be advanced, and the expenses of fulfilling any engagements contained therein, shall be paid into the treasury in the same manner that moneys received from public lands are paid into the treasury.

Section 2094. All sums that are or may be required to be paid, and all moneys that are or may be required to be invested by the treaties mentioned in the preceding section, are appropriated in conformity to them, and shall be drawn from the treasury as other public moneys are drawn therefrom, under such instructions as may from time to time be given by the President.

Section. 2095. All investments of stock that are or may be required by treaties with the Indians, shall be made under the direction of the President; and special accounts of the funds under such treaties shall be kept at the treasury, and statements thereof shall be annually laid before Congress.

Section 2096. The Secretary of the Interior shall invest, in a manner which shall be in his judgment most safe and beneficial for the fund, all moneys that may be received under treaties containing stipulations for the payment to the Indians, annually, of interest upon the proceeds of lands ceded by them; and he shall make no investment of such moneys, or of any portion, at a lower rate of interest than five per centum per annum.

Section 2097. No funds belonging to any Indian tribe with which treaty relations exist, shall be applied in any manner not authorized by such treaty, or by express provisions of law.

Section 2099. No moneys which may be appropriated for the purpose of education among the Indian tribes shall be expended for any such object elsewhere than in Indian country. But this provision shall not apply

to appropriations the expenditure of which is authorized by treaty stipulations, to be made under the direction either of the President or of the Indian tribes, respectively.

Section 2103. No agreement shall be made by any person with any tribe of Indians, or individual Indians, not citizens of the United States, for the payment or delivery of any money or other thing of value, in present or in prospective, or for the granting or procuring any privilege to him, or any other persons, in consideration of services for said Indians relative to their lands, or to any claims growing out of, or in reference to, annuities, installments or other moneys, claims, demands or things, under laws or treaties with the United States, or official acts of any officer thereof, or in any way connected with or due from the United States, unless such contract or agreement be executed and approved as follows :

First.—Such agreement shall be in writing, and a duplicate of it delivered to each party.

Second.—It shall be executed before a judge of a court of record, and bear the approval of the Secretary of the Interior, and the Commissioner of Indian Affairs indorsed upon it.

Third.—It shall contain the names of all parties in interest, their residence and occupation ; and if made with a tribe, by their tribal authorities, the scope of authority, and the reason for exercising that authority, shall be given specifically.

Fourth.—It shall state the time when and the place where made, the particular purpose for which made, the special thing or things to be done under it, and, if for the collection of money, the basis of the claim, the source from which it is to be collected, the amount or rate per centum of the fee in all cases, and if any contingent matter or condition constitutes a part of the contract or agreement, it shall be specifically set forth.

Fifth.—It shall have a fixed limited time to run, which shall be distinctly stated.

Sixth.—The judge before whom such contract or agreement is executed shall certify officially the time when and the place where such contract or agreement was executed and that it was in his presence, and who are the interested parties thereto, as stated to him at the time; the parties present making the same; the source and extent of authority claimed at the time by the contracting parties to make the contract or agreement, and whether made in person or by agent or attorney of either party or parties.

Seventh.—All contracts or agreements, made in violation of this section shall be null and void, and all money or other thing of value paid to any person by any Indian or tribe, or any one else, for or on his or their behalf, on account of such services, in excess of the amount approved by the commissioner and secretary for such services, may be recovered by suit in the name of the United States, in any court of the United States, regardless of the amount in controversy; and one half thereof shall be paid to the person suing for the same, and the other half shall be paid into the treasury, for the use of the Indian or tribe by or for whom it was so paid.

Section 2104. No money shall be paid to any agent or attorney by an officer of the United States under any such contract or agreement, other than the fees due him for services rendered thereunder; but the moneys due the tribe, Indian or Indians, as the case may be, shall be paid by the United States, through its own officers or agents, to the party or parties entitled thereto, and no money or thing shall be paid to any person for services under such contract or agreement until such person shall have first filed with the Commissioner of Indian Affairs a sworn statement, showing each particular act of service under the contract, giving date and fact in detail, and the Secretary of the Interior and Commissioner of Indian Affairs shall determine therefrom whether, in their judgment, such contract or agreement has been

complied with or fulfilled; if so, the same may be paid, and if not, it shall be paid in proportion to the services rendered under the contract.

Section 2105. The person so receiving such money contrary to the provisions of the two preceding sections, and his aiders and abettors, shall, in addition to the forfeiture of such sum, be punished by imprisonment for not less than six months, and by a fine not less than one thousand dollars. And it shall be the duty of all district attorneys to prosecute such cases when applied to to do so, and their failure and refusal shall be ground for their removal from office. Any Indian agent or other person in the employment of the United States, who shall, in violation of the provisions of the preceding section, advise, sanction, or in any way aid in the making of such contracts or agreements, or in making such payments as are here prohibited, shall, in addition to the punishment herein imposed on the person making such contract, or receiving such money, be, on conviction, dismissed from the service of the United States, and be for ever disqualified from holding any office of profit or trust under the same.

Section 2106. No assignment of any contracts embraced by section twenty-one hundred and three, or of any part of one shall be valid, unless the names of the assignees and their residences and occupations be entered in writing upon the contract, and the consent of the Secretary of the Interior and the Commissioner of Indian Affairs to such assignment be also indorsed thereon.

Section 2108. The Secretary of the Interior is directed to cause settlements to be made with all persons appointed by Indian councils to receive moneys due to incompetent or orphan Indians, and to require all moneys found due to such incompetent, or orphan Indians, to be returned to the treasury; and all moneys so returned shall bear interest at the rate of six per centum per annum, until paid by order of the Secretary of the Interior

to those entitled to the same. No money shall be paid to any person appointed by any Indian council to receive moneys due to incompetent or orphan Indians, but the same shall remain in the treasury of the United States until ordered to be paid by the secretary to those entitled to receive the same, and shall draw six per centum interest until so paid.

Section 2111. Every person who sends any talk, speech, message or letter, to any Indian nation, tribe, chief or individual, with an intent to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace and tranquility of the United States, is liable to a penalty of two thousand dollars.

Section 2112. Every person who carries or delivers any talk, message, speech or letter, intended to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace and tranquility of the United States, knowing the contents thereof, to or from any Indian nation, tribe, chief or individual, from or to any person or persons whatever, residing within the United States, or from or to any subject, citizen or agent of any foreign power or State, is liable to a penalty of one thousand dollars.

Section 2113. Every person who carries on a correspondence, by letter or otherwise, with any foreign nation or power, with an intent to induce such foreign nation or power, to excite any Indian nation, tribe, chief or individual to war against the United States, or to the violation of any existing treaty; or who alienates, or attempts to alienate, the confidence of any Indian or Indians from the government of the United States, is liable to a penalty of one thousand dollars.

Section 2114. The President is authorized to exercise general superintendence and care over any tribe or nation which was removed upon an exchange of territory under authority of the act of May twenty-eighth, eighteen hundred and thirty: "To provide for an exchange of

lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi," and to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

Section 2115. Whenever it becomes necessary to survey any Indian or other reservations, or any lands, the same shall be surveyed under the direction and control of the General Land Office, and as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed.

Section 2116. No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the constitution. Every person who, not being employed under the authority of the United States, attempts to negotiate such treaty or convention, directly or indirectly, or to treat with any such nation or tribe of Indians, for the title or purchase of any lands by them held or claimed, is liable to a penalty of one thousand dollars.

Section 2117. Every person who drives or otherwise conveys any stock of horses, mules or cattle, to range and feed on any land belonging to any Indian or Indian tribe, without the consent of such tribe, is liable to a penalty of one dollar for each animal of such stock.

Section 2118. Every person who makes a settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe, or surveys or attempts to survey such lands, or to designate any of the boundaries by marking trees or otherwise, is liable to a penalty of one thousand dollars. The President may, moreover, take such measures and employ such military force as (he) may judge necessary to remove any such person from the lands.

Section 2126. In all trials about the right of property

in which an Indian may be a party on one side and a white person on the other, the burden of proof shall rest upon the white person, whenever the Indian shall make out a presumption of title in himself from the fact of previous possession or ownership.

Section 2128. Any loyal person, a citizen of the United States, of good moral character, shall be permitted to trade with any Indian tribe, upon giving bond to the United States, in the penal sum of not less than five nor more than ten thousand dollars, with at least two good securities, to be approved by the superintendent of the district within which such person proposes to trade, or by the United States district judge or district attorney for the district in which the obligor resides, renewable each year, conditioned that such person shall faithfully observe all laws and regulations made for the government of trade and intercourse with the Indian tribes, and in no respect violate the same.

Section 2129. No person shall be permitted to trade with any of the Indians in the Indian country, without a license therefor from a superintendent of Indian Affairs, or Indian agent, or sub-agent, which license shall be issued for a term not exceeding two years for the tribes east of the Mississippi, and not exceeding three years for the tribes west of that river.

Section 2130. Any superintendent or agent may refuse an application for a license to trade, if he is satisfied that that the applicant is a person of bad character, or that it would be improper to permit him to reside in the Indian country, or if a license, previously granted to such applicant, has been revoked, or a forfeiture of his bond has been decreed. But an appeal may be had from the agent or the superintendent to the Commissioner of Indian Affairs.

Section 2131. The superintendent of the district shall have power to revoke and cancel any license to trade within the Indian country whenever the person licensed has, in his opinion, transgressed any of the laws or regu-

lations provided for the government of trade and intercourse with the Indian tribes, or whenever, in his opinion, it is improper to permit such person to remain in the Indian country. No trade with the tribes shall be carried on within their boundary, except at certain suitable and convenient places, to be designated from time to time by the superintendents, agents and sub-agents, and to be inserted in the license. The person granting or revoking such licenses shall forthwith report the same to the Commissioner of Indian Affairs for his approval or disapproval.

Section 2132. The President is authorized, whenever in his opinion the public interest may require the same, to prohibit the introduction of goods, or of any particular article, into the country belonging to any Indian tribe, and to direct all licenses to trade with such tribe to be revoked, and all applications therefor to be rejected. No trader to any other tribe shall, so long as such prohibition may continue, trade with any Indians of or for the tribe against which such prohibition is issued.

Section 2133. Any person, other than an Indian, who shall attempt to reside in the Indian country as a trader, or to introduce goods, or to trade therein without such license, shall forfeit all merchandise offered for sale to the Indians, or found in his possession, and shall moreover be liable to a penalty of five hundred dollars.

Section 2134. Every foreigner who shall go into the Indian country without a passport from the Department of the Interior, superintendent, agent, or sub-agent of Indian Affairs, or officer of the United States commanding the nearest military post on the frontiers, or who shall remain intentionally therein after the expiration of such passport, shall be liable to a penalty of one thousand dollars. Every such passport shall express the object of such person, the time he is allowed to remain, and the route he is to travel.

Section 2135. Every person, other than an Indian, who, within the Indian country, purchases or receives of any

Indian, in the way of barter, trade, or pledge, a gun, trap, or other article commonly used in hunting, any instrument of husbandry, or cooking utensils of the kind commonly obtained by the Indians in their intercourse with the white people, or any article of clothing, except skins or furs, shall be liable to a penalty of fifty dollars.

Section 2137. Every person, other than an Indian, within the limits of any tribe with whom the United States has existing treaties, who hunts or traps, or takes and destroys any peltries or game, except for subsistence in the Indian country, shall forfeit all the traps, guns, and ammunition in his possession, used or procured to be used for that purpose, and all peltries so taken, and shall be liable in addition to a penalty of five hundred dollars.

Section 2138. Every person who drives or removes, except by authority of an order lawfully issued by the Secretary of War, connected with the movement or subsistence of troops, any cattle, horses, or other stock from the Indian country for the purpose of trade or commerce, shall be punishable by imprisonment for not more than three years, or by a fine of not more than five thousand dollars, or both.

Section 2139. No ardent spirits shall be introduced, under any pretense, into the Indian country. Every person, except an Indian, in the Indian country, who sells, exchanges, gives, barter, or disposes of any spirituous liquors or wine, to any Indian under the charge of any Indian superintendent or agent, or introduces, or attempts to introduce, any spirituous liquors or wine into the Indian country, shall be punishable by imprisonment for not more than two years, and by a fine of not more than three hundred dollars. But it shall be a sufficient defense to any charge of introducing or attempting to introduce liquor into the Indian country, that the acts charged were done by order of or under authority from the War Department, or any officer duly authorized thereunto by the War Department.

Section 2140. If any superintendent of Indian Affairs, Indian agent, or sub-agent, or commanding officer of a military post, has reason to suspect or is informed that any white person or Indian is about to introduce, or has introduced, any spirituous liquor or wine into the Indian country in violation of law, such superintendent, agent, sub-agent, or commanding officer, may cause the boats, stores, packages, wagons, sleds, and places of deposit of such persons to be searched; and if any such liquor is found therein, the same, together with the boats, teams, wagons and sleds used in conveying the same, and also the goods, packages and peltries of such person shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one-half to the informer, and the other half to the use of the United States; and if such person be a trader his license shall be revoked and his bond put in suit. It shall moreover be the duty of any person in the service of the United States, or of any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except such as may be introduced therein by the War Department. In all cases arising under this and the preceding section, Indians shall be competent witnesses.

Section 2141. Every person who shall, within the Indian country, set up or continue any distillery for manufacturing ardent spirits, shall be liable to a penalty of one thousand dollars; and the superintendent of Indian Affairs, Indian agent, or sub-agent, within the limits of whose agency any distillery of ardent spirits is set up or continued, shall forthwith destroy and break up the same.

Section 2142. Every white person who shall make an assault upon an Indian or other person, and every Indian who shall make an assault upon a white person, within the Indian country, with a gun, rifle, sword, pistol, knife, or any other deadly weapon, with intent to kill or maim the person so assaulted, shall be punishable by impris-

onment, at hard labor, for not more than five years, nor less than one year.

Section 2143. Every white person who shall set fire, or attempt to set fire, to any house, out-house, cabin, stable, or other building, in the Indian country, to whomsoever belonging; and every Indian who shall set fire to any house, out-house, cabin, stable, or other building, in the Indian country, in whole or in part belonging to or in lawful possession of a white person, whether the same be consumed or not, shall be punishable by imprisonment, at hard labor, for not more than twenty-one years, nor less than two years.

Section 2144. The general laws of the United States, defining and prescribing punishments for forgery and for depredations upon the mails, shall extend to the Indian country.

Section 2145. Except as to crimes, the punishment of which is expressly provided for in this title, the general laws of the United States as to the punishment of crimes committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country.

Section 2146. The preceding section shall not be construed to extend to (*crimes committed by one Indian against the person and property of another Indian, nor to*) any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or to any cause where, by treaty stipulations, the exclusive jurisdiction over such offenses is, or may be, secured to the Indian tribes respectively.

Section 2147. The Superintendent of Indian Affairs, and the Indian agents and sub-agents, shall have authority to remove from the Indian country all persons found therein contrary to law, and the President is authorized to direct the military force to be employed in such removal.

Section 2148. If any person who has been removed from the Indian country, shall thereafter at any time

return, or be found within the Indian country, he shall be liable to a penalty of one thousand dollars.

Section 2149. The Commissioner of Indian Affairs is authorized and required, with the approval of the Secretary of the Interior, to remove from any tribal reservation any person being therein without authority of law, or whose presence within the limits of the reservation may, in the judgment of the commissioner, be detrimental to the peace and welfare of the Indians; and may employ for the purpose such force as may be necessary to enable the agent to effect the removal of such persons.

Section 2150. The military forces of the United States may be employed in such manner and under such regulations, as the President may direct.

First.—In the apprehension of every person who may be in the Indian country in violation of law, and in conveying him immediately from the Indian country, by the nearest convenient and safe route, to the civil authority of the territory or judicial district in which such person shall be found, to be proceeded against in due course of law.

Second.—In the examination and seizure of stores, packages and boats authorized by law.

Third.—In preventing the introduction of persons and property into the Indian country contrary to law; which persons and property shall be proceeded against according to law.

Fourth.—And also in destroying and breaking up any distillery for manufacturing ardent spirits set up or continued within the Indian country.

Section 2151. No person apprehended by military force under the preceding section shall be detained longer than five days after arrest and before removal. All officers and soldiers who may have any such person in custody shall treat him with all the humanity which the circumstances will permit.

Section 2152. The superintendents, agents and sub-agents, shall endeavor to procure the arrest and trial of all

Indians accused of committing any crime, offense or misdemeanor, and of all other persons who may have committed crimes or offenses within any State or Territory, and have fled into the Indian country, either by demanding the same of the chiefs of the proper tribe, or by such other means as the President may authorize. The President may direct the military force of the United States to be employed in the apprehension of such Indians, and also in preventing or terminating hostilities between any of the Indian tribes.

Section 2154. Whenever, in the commission by a white person of any crime, offense or misdemeanor, within the Indian country, the property of any friendly Indian is taken, injured or destroyed, and a conviction is had for such crime, offense or misdemeanor, the person so convicted shall be sentenced to pay such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injured or destroyed.

Section 2155. If such offender shall be unable to pay a sum at least equal to the just value or amount, whatever such payment shall fall short of the same shall be paid out of the treasury of the United States. If such offender cannot be apprehended and brought to trial, the amount of such property shall be paid out of the treasury. But no Indian shall be entitled to any payment out of the treasury of the United States for any such property, if he, or any of the nation to which he belongs, have sought private revenge, or have attempted to obtain satisfaction by any force or violence.

Section 2156. If any Indian, belonging to any tribe in amity with the United States, shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from the Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal or destroy any horse or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his

representative, attorney or agent, may make application to the proper superintendent, agent, or sub-agent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which such Indian shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, such superintendent, agent, or sub-agent, shall make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury.

Section 2157. The superintendent, agents and sub-agents, within their respective districts, are authorized and empowered to take depositions of witnesses touching any depredations within the purview of the three preceding sections, and to administer oaths to the deponents.

Section 2434. The provisions of all the bounty land laws shall be extended to Indians in the same manner and to the same extent as to white persons.

Section 4705. The widows of colored and Indian soldiers and sailors who have died, or shall hereafter die, by reason of wounds or injuries received, or casualty received, or disease contracted in the military or naval service of the United States, and in the line of duty, shall be entitled to receive the pension provided by law without other evidence of marriage than satisfactory proof that the parties were joined in marriage by some ceremony deemed by them obligatory, or habitually recognized each other as man and wife, and were so recognized by their neighbors, and lived together as such up to the date of enlistment, when such soldier or sailor died in the service, or, if otherwise, to date of death; and the children born of any marriage so proved shall be deemed and held to be lawful children of such soldier or sailor; but this section shall not be applicable to any claim on

account of persons who enlist after the third day of March, one thousand eight hundred and seventy-three.

Section 4714. Declarations of pension claimants shall be made before a court of record, or by some officer thereof having custody of its seal, said officer hereby being fully authorized and empowered to administer and certify any oath or affirmation relating to any pension or application therefor: *Provided*, that the Commissioner of Pensions may designate, in localities more than twenty-five miles distant from any place at which such court is holden, persons duly qualified to administer oaths, before whom declarations may be made and testimony taken, and may accept declarations of claimants residing in foreign countries, made before a United States minister or consul, or before some officer of the country duly authorized to administer oaths for general purposes, and whose official character and signature shall be duly authenticated by certificate of a United States minister or consul; declarations in claims of Indians made before a United States agent; and declarations in claims under the provisions of this title relating to pensions for services in war of eighteen hundred and twelve, made before an officer duly authorized to administer oaths for general purposes, when the applicants, by reason of infirmity of age, are unable to travel; *Provided*, that any declaration made before an officer duly authorized to administer oaths for general purposes shall be accepted to exempt a claim from the limitation as to date of filing prescribed in section forty-seven hundred and nine.

An act to authorize the Secretary of the Interior to negotiate with the Creek Indians for the cession of a portion of their reservation, occupied by friendly Indians.

Whereas, by the third article of the treaty concluded with the Creek Indians, June fourteenth, eighteen hundred and sixty-six, said Indians ceded to the United States, for the settlement of friendly Indians and freedmen, the west half of their entire domain, to be divided by a line

running north and south; and whereas, the recent survey of said line, made in conformity with the provisions of said treaty, includes within the limits of the Creek reservation, east of said line, some of the improvements made on a reservation selected on what was supposed to be the Creek ceded lands, for the Seminole tribe of Indians, which reservation is provided for in their treaty of March first, eighteen hundred and sixty-six, and also some of the improvements of the Sacs and Foxes, of the Mississippi tribe of Indians, made on a reservation intended to be established in accordance with the provisions of their treaty of February eighteenth, eighteen hundred and sixty-seven; and whereas, said improvements have been made upon said lands, by and for the aforesaid Indians, who have settled thereupon in good faith, in accordance with treaty stipulations; and whereas, it is necessary, in order to secure these improvements to said Indians, and to secure them suitable reservations, that the lands occupied thereby should be granted to them; therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That the Secretary of the Interior be, and he hereby is, authorized to negotiate with the aforesaid Creek Indians for the relinquishment to the United States of such portion of their country as may have been set apart, in accordance with treaty stipulations, for the use of the Seminoles, and the Sacs and Foxes, of the Mississippi tribe of Indians, respectively, found to be east of the line separating the Creek ceded lands from the Creek reservation, and also to negotiate and arrange with said tribes for a final and permanent adjustment of their reservations; and the secretary shall report the result to Congress. * * * *

Section 15. That any Indian born in the United States, who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned, or may hereafter abandon, his tribal relations, shall, on

making satisfactory proof of such abandonment, under rules to be prescribed by the Secretary of the Interior, be entitled to the benefit of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May twentieth, eighteen hundred and sixty-two, and the acts amendatory thereof, except that the provision of the eighth section of the said act shall not be held to apply to entries made under this act; *Provided, however*, that the titles to lands acquired by any Indian by virtue hereof, shall not be subject to alienation or incumbrance, either by voluntary conveyance or the judgment, decree, or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor; *Provided*, that any such Indian shall be entitled to his distributive share of all annuities, tribal funds, lands, and other property, the same as though he had maintained his tribal relations; and any transfer, alienation, or incumbrance of any interest he may hold or claim by reason of his former tribal relations shall be void.

Section 16. That in all cases in which Indians have heretofore entered public lands under the homestead law, and have proceeded in accordance with the regulations prescribed by the Commissioner of the General Land Office, or in which they may hereafter be allowed to so enter under said regulations prior to the promulgation of relations to be established by the Secretary of the Interior, under the fifteenth section of this act, and in which the conditions prescribed by law have been or may be complied with, the entries so allowed are hereby confirmed, and the patents shall be issued thereon; subject, however, to the restrictions and limitations contained in the fifteenth section of this act in regard to alienation and incumbrance.

FORMER TREATIES.

Those portions of former treaties with the United States not superseded nor suppressed by treaty of 1866.

ARTICLE IV.

* * * The United States will cause the sum of one thousand five hundred dollars to be paid annually to the said Creek Nation.

Proclaimed August 13th, 1790.

ARTICLE II.

The Commissioners of the United States, for and in consideration of the foregoing concession on the part of the Creek Nation, and in full satisfaction for the same, do covenant and agree with said Nation, in behalf of the United States, that the said States shall pay to said Nation annually, and every year, the sum of three thousand dollars. * * * *

Proclaimed January 11th, 1803.

ARTICLE IV.

The United States agree to pay to the said Nation an additional perpetual annuity of twenty thousand dollars.

Proclaimed January 24th, 1826.

ARTICLE I.

The Creek tribe of Indians cede to the United States all their land east of the Mississippi River.

ARTICLE II.

The United States engage to survey the said land as soon as the same can be conveniently done after the rati-

fication of this treaty, and when the same is surveyed to allow ninety principal chiefs of the Creek tribe to select one section each, and every other head of a Creek family to select one-half section each, which tracts shall be reserved from sale for their use for the term of five years, unless sooner disposed of by them. A census of these persons shall be taken under the direction of the President, and the selections shall be made so as to include the improvements of each person within his selection, if the same can be so made, and if not, then all the persons belonging to the same town, entitled to selections, and who cannot make the same so as to include their improvements, shall take them in one body in a proper form. And twenty sections shall be selected, under the direction of the President, for orphan children of the Creeks, and divided and retained or sold for their benefit, as the President may direct; *Provided, however,* that no selections or locations under this treaty shall be so made as to include the agency reserve.

ARTICLE III.

These tracts may be conveyed by the persons selecting the same to any other persons for a fair consideration, in such manner as the President may direct. * * * A title shall be given by the United States on the completion of the payment.

ARTICLE IV.

At the end of five years, all the Creeks entitled to these selections, and desirous of remaining, shall receive patents therefor, in fee simple, from the United States.

ARTICLE XIV.

The Creek country west of the Mississippi shall be solemnly guaranteed to the Creek Indians, nor shall any State or Territory ever have a right to pass laws for the government of such Indians, but they shall be allowed

to govern themselves, so far as may be compatible with the general jurisdiction which Congress may think proper to exercise over them. And the United States will also defend them from the unjust hostilities of other Indians, and will also, as soon as the boundaries of the Creek country west of the Mississippi are ascertained, cause a patent or grant to be executed to the Creek tribe, agreeable to the 3d section of the act of Congress of May 2d (28), 1830, entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi."

Proclaimed April 4th, 1832.

ARTICLE III.

The United States will grant a patent in fee simple to the Creek Nation of Indians for the land assigned said Nation by this treaty or convention, whenever the same shall have been ratified by the President and Senate of the United States; and the right thus guaranteed by the United States shall be continued to said tribe of Indians so long as they shall exist as a nation, and continue to occupy the country hereby assigned to them.

ARTICLE V.

As an evidence of the kind feeling of the United States toward the Muskogee Indians, and as a testimonial of the (their) gratification with the present amicable and satisfactory adjustment of their difficulties with the Cherokees, experienced by the Commissioners, they agree, on behalf of the United States, to furnish to the Creek Indians west of the Mississippi one blacksmith and one wheelwright or wagonmaker, as soon as they may be required by the Nation, in addition to those already employed; also to erect shops and furnish tools for the same, and supply the smith shops with one ton of iron and two hundred and fifty pounds of steel each, and allow the said Creek Indians annually, for education pur-

poses, the sum of one thousand dollars, to be expended under the direction of the President of the United States; the whole of the above grants to be continued so long as the President may consider them conducive to the interest and welfare of the Creek Indians. * * *

Proclaimed April 12th, 1834.

ARTICLE IV.

* * * It is further agreed that all the education funds of the Creeks, including the annuities above named, the annual allowance of one thousand dollars provided in the treaty of 1833, and also all balances of appropriations for education annuities that may be due from the United States, shall be expended in their own country for the support of a manual labor school in the Canadian district, and of another in the Arkansas district; *Provided*, that the President does not object to such application of the annuities above named, granted in the treaties of 1832 and 1833. And it is also agreed, that in the management of such school the wishes of the Creek Council shall be consulted.

Proclaimed March 2d, 1839.

ARTICLE II.

The following shall constitute and remain the boundaries of the Creek country, viz.: Beginning at the mouth of the north fork of the Canadian River, and running northerly four miles; thence running a straight line so as to meet a line drawn from the south bank of the Arkansas River, opposite to the east or lower bank of the Grand River, at its junction with the Arkansas, and which runs a course south forty-four deg. west, one mile to a post placed in the ground, thence along said line to the Arkansas and up the same to the Verdigris River, to where the old territorial line crosses it; thence along said line north to a point twenty-five miles from the Arkansas River, where the old territorial line crosses the same; thence running west with the southern line of the

Cherokee country to the north fork of the Canadian River; * * * thence down said north fork to where the eastern boundary line of the said cession to the Seminoles strikes the same; thence, with that line, due south to the Canadian River, at the mouth of the Ockhi-appo or Pond Creek, and thence down said Canadian River to the place of beginning.

ARTICLE IV.

The United States do hereby solemnly agree and bind themselves, that no State or Territory shall ever pass laws for the government of the Creek or Seminole tribes of Indians, and that no portion of either of the tracts of country defined in the first and second articles of this agreement shall ever be embraced or included within or annexed to any Territory or State; nor shall either, or any part of either, ever be erected into a Territory without the full and free consent of the legislative authority of the tribe owning the same.

ARTICLE V.

The Creek Indians do hereby absolutely and forever quitclaim and relinquish to the United States all their right, title and interest in and to any lands heretofore owned or claimed by them, whether east or west of the Mississippi River, and any and all claim for or on account of any such lands, except those embraced within the boundaries described in the second article of this agreement; and it doth also, in like manner, release and fully discharge the United States from all other claims and demands whatsoever which the Creek Nation or any individuals thereof may have against the United States, excepting only such as are particularly or in terms provided for and secured to them by the provisions of existing treaties and laws, which are as follows, viz.: Permanent annuities in money, amounting to *twenty-four thousand five hundred dollars* (\$24,500), secured to them by the fourth article of the treaty of seventh of August, seven-

teen hundred and ninety, the second article of the treaty of June sixteenth, eighteen hundred and two, and the fourth article of the treaty of January twenty-fourth, eighteen hundred and twenty-six; permanent provision for a wheelwright, a blacksmith and an assistant; blacksmith shop and tools, and for iron and steel, under the eighth article of the last-mentioned treaty, and costing annually one thousand seven hundred and ten dollars; two thousand dollars per annum, during the pleasure of the President, for assistance in agricultural operations, under the same treaty and article; * * * one thousand dollars per annum, during the pleasure of the President, for the same object (educational), under the fifth article of the treaty of February fourteenth, eighteen hundred and thirty-three; services of a wagonmaker, blacksmith and assistant, shop and tools, iron and steel, during the pleasure of the President, under the same treaty and article, and costing one thousand seven hundred and ten dollars annually. * * * The following shall also be excepted from the foregoing quitclaim, relinquishment, release and discharge, viz.: The fund created and held in trust for Creek orphans, under the second article of the treaty of March twenty-fourth, eighteen hundred and thirty-two; the right of such individuals among the Creeks, as have not received it to the compensation in money provided for by act of Congress, March third, eighteen hundred and thirty-seven, in lieu of reservations of land to which they were entitled, but which were not secured to them under the said treaty of eighteen hundred and thirty-two; the right of the reservees under the same treaty, who did not dispose of their reservations, to the amounts for which they have been or may be sold by the United States; and the right of any such members of the tribe to military bounty lands as are entitled thereto under existing laws of the United States. The right and interest of the Creek Nation and people in and to the matters and things so excepted, shall continue and

remain the same as though this convention had never been entered into.

ARTICLE VI.

In consideration of the foregoing quitclaim, relinquishment, release and discharge, and of a cession of a country for the Seminole Indians, contained in the first article of this agreement, the United States do hereby agree and stipulate to allow and pay the Creek Nation the sum of *one million of dollars*, which shall be invested and paid as follows, viz.: Two hundred thousand dollars shall be invested in some safe stocks, paying an interest of at least five per cent. per annum, which interest shall be regularly and faithfully applied to purposes of education among the Creeks; four hundred thousand dollars to be paid per capita, under the direction of the General Council of the Creek Nation, to individuals and members of said Nation [except such portion as they shall, by order of said National Council, direct to be paid to the Treasurer of said Nation, for any specified national object not exceeding (\$100,000) one hundred thousand dollars], as soon as practicable after the ratification of this agreement; and two hundred thousand dollars shall be set apart, to be appropriated and paid as follows, viz.: ten thousand dollars to be equally distributed and paid to those individuals and their heirs who, under the act of Congress of March third, eighteen hundred and thirty-seven, have received money in lieu of reservations of land to which they were entitled, but which were not secured to them under the treaty of March twenty-fourth, eighteen hundred and thirty-two; one hundred and twenty thousand dollars to be equally and justly distributed and paid, under the direction of the General Council, to those Creeks or their descendants who emigrated west of the Mississippi River prior to said treaty of eighteen hundred and thirty-two, and to be in lieu of and full compensation for the claim of such Creeks to an allowance equivalent

to the reservation granted to the Eastern Creeks by that treaty, and seventy thousand dollars, for the adjustment and final settlement of such other claims of individual Creek Indians as may be found to be equitable and just by the General Council of the Nation; *Provided, however*, that no part of the three last-mentioned sums shall be allowed or paid to any other person or persons whatsoever than those who are actual and *bona fide* members of the Creek Nation, and belonging respectively to the three classes of claimants designated; said sums to be remitted and paid as soon as practicable after the General Council shall have ascertained and designated the persons entitled to share therein. And *provided further*, that any balance of the said sum of seventy thousand dollars, which may be found not to be actually necessary for the adjustment and settlement of the claim for which it is set apart, shall belong to the Nation, and be applied to such object or objects of utility or necessity as the General Council shall direct. The remaining sum of two hundred thousand dollars shall be retained by the United States until the removal of the Seminole Indians, now in Florida, to the country west of the Mississippi River, herein provided for their tribe; whereupon the same, with interest thereon at five per cent. from the date of the ratification of this agreement, shall be paid over to or invested for the benefit of the Creek Nation, or to be used and applied only for such objects or purposes of a strictly national or beneficial character as the interests and welfare of the Creek people shall actually require.

ARTICLE VII.

It being the desire of the Creeks to employ their own teachers, mechanics and farmers, all of the funds secured to the Nation for educational, mechanical and agricultural purposes, shall, as the same shall become annually due, be paid over by the United States to the Treasurer of the Creek Nation; and the annuities in

money due the Nation under former treaties shall also be paid to the same officer, whenever the General Council shall so direct.

ARTICLE XIII.

The officers and people of each of the tribes of Creeks and Seminoles shall, at all times, have the right of safe conduct and free passage through the lands and territory of the other. The members of each shall have the right freely to settle within the country of the other, and shall thereupon be entitled to all the rights, privileges and immunities of members thereof, except that no member of either tribe shall be entitled to participate in any funds belonging to the other tribe. Members of each tribe shall have the right to institute and prosecute suits in the courts of the other, under such regulations as may, from time to time, be prescribed by their respective legislatures.

ARTICLE XIV.

Any person duly charged with a criminal offense against the laws of either the Creek or Seminole tribe, and escaping into the jurisdiction of the other, shall be promptly surrendered upon the demand of the proper authority of the tribe within whose jurisdiction the offense shall be alleged to have been committed.

ARTICLE XV.

So far as may be compatible with the Constitution of the United States, and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Creeks and Seminoles shall be secured in the unrestricted right of self-government, and full jurisdiction over persons and property, within their respective limits, excepting, however, all white persons, with their property, who are not, by adoption or otherwise, members of either the Creek or Seminole tribe; and all persons not being members of either tribe, found within

their limits, shall be considered intruders, and be removed from and kept out of the same by the United States agents for said tribes, respectively (assisted, if necessary, by the military), with the following exceptions, viz.: such individuals, with their families, as may be in the employment of the Government of the United States; all persons peaceably traveling or temporarily sojourning in the country, or trading therein under license from the proper authority of the United States; and such persons as may be permitted by the Creeks or Seminoles, with the assent of the proper authorities of the United States, to reside within their respective limits without becoming members of either of said tribes.

ARTICLE XVI.

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

ARTICLE XVII.

All persons licensed by the United States to trade with the Creeks or Seminoles shall be required to pay to the tribe within whose country they trade a moderate annual compensation for the land and timber used by them, the amount of such compensation, in each case, to be assessed by the proper authorities of said tribe, subject to the approval of the United States agent therefor.

ARTICLE XVIII.

The United States shall protect the Creeks and Seminoles from domestic strife, from hostile invasion, and from aggression by other Indians and white persons, not subject to their jurisdiction and laws; and for all injuries resulting from such invasion or aggression full indemnity is hereby guaranteed to the party or parties

injured out of the treasury of the United States, upon the same principle and according to the same rules upon which white persons are entitled to indemnity for injuries or aggressions upon them, committed by Indians.

ARTICLE XIX.

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

ARTICLE XX.

The United States, or any incorporated company, shall have the right of way for railroads, or lines of telegraphs, through the Creek and Seminole countries; but in the case of any incorporated company, it shall have such right of way only upon such terms and payment of such amount to the Creeks and Seminoles, as the case may be, as may be agreed upon between it and the National Council thereof, or in case of disagreement by making full compensation, not only to individual parties injured, but also to the tribes for the right of way, all damage and injury done to be ascertained and determined in such manner as the President of the United States shall

direct; and the right of way granted by either of said tribes for any railroad shall be perpetual, or for such shorter term as the same may be granted, in the same manner as if there were no reversion of their lands to the United States provided for, in case of abandonment by them, or of extinction of their tribes.

ARTICLE XXI.

The United States will cause such portions of the boundaries of the Creek and Seminole countries as do not consist of well-defined natural boundaries to be surveyed and permanently marked and established. The Creek and Seminole General Councils may each appoint a commission from their own people to attend to the running of their respective boundaries, whose expense and a reasonable allowance for their time and services, while engaged in such duty, shall be paid by the United States.

Proclaimed August 28th, 1856.

TREATY.

Treaty with the United States of America, concluded June 14th, 1866; ratification advised, with amendments, July 19th, 1866; amendments accepted July 23d, 1866.

ARTICLE I.

There shall be perpetual peace and friendship between the parties to this treaty, and the Creeks bind themselves to remain firm allies and friends of the United States, and never to take up arms against the United States, but always faithfully to aid in putting down its enemies. They also agree to remain at peace with all other Indian tribes, and in return the United States guarantees them quiet possession of their country, and protection against hostilities on the part of other tribes. In the event of hostilities, the United States agree that the tribe commencing and prosecuting the same shall, as far as practicable, make just reparation therefor. To insure this protection the Creeks agree to a military occupation of their country at any time by the United States, and the United States agree to station and continue in said country, from time to time, at its own expense, such force as may be necessary for that purpose.

A general amnesty of all past offenses against the laws of the United States, committed by any member of the Creek Nation, is hereby declared. And the Creeks, anxious for the restoration of kind and friendly feelings among themselves, do hereby declare an amnesty for all past offenses against their government, and no Indian or Indians shall be proscribed, or any act of forfeiture or confiscation passed against those who have remained friendly to, or taken up arms against, the United States,

but they shall enjoy equal privileges with other members of said tribe; and all laws heretofore passed inconsistent herewith are hereby declared inoperative.

ARTICLE II.

The Creeks hereby covenant and agree that henceforth neither slavery nor involuntary servitude, otherwise than in the punishment of crimes, whereof the parties have been duly convicted, in accordance with laws applicable to all members of said tribe, shall ever exist in said Nation; and inasmuch as there are among the Creeks many persons of African descent, who have no interest in the soil, it is stipulated that hereafter these persons, lawfully residing in said Creek country, under their laws and usages, or who have been thus residing in said country, and may return within one year from the ratification of this treaty, and their descendants and such others of the same race as may be permitted by the laws of said Nation to settle within the limits of the jurisdiction of the Creek Nation as citizens [thereof], shall have and enjoy all the rights and privileges of native citizens, including an equal interest in the soil and national funds; and the laws of said Nation shall be equally binding upon and give equal protection to all such persons, and all others, of whatsoever race or color, who may be adopted as citizens or members of said tribe.

ARTICLE III.

In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, to be divided by a line running north and south; the eastern half of said Creek lands, being retained by them, shall, except as herein otherwise stipulated, be forever set apart as a home for

said Creek Nation; and in consideration of said cession of the west half of their lands, estimated to contain three millions two hundred and fifty thousand five hundred and sixty acres, the United States agree to pay the sum of thirty (30) cents per acre, amounting to nine hundred and seventy-five thousand one hundred and sixty-eight dollars, in the manner hereinafter provided, to-wit: Two hundred thousand dollars to be paid per capita in money, unless otherwise directed by the President of the United States, upon the ratification of this treaty, to enable the Creeks to occupy, restore and improve their farms, and to make their nation independent and self-sustaining, and to pay the damages sustained by the Mission Schools on the North Fork and the Arkansas Rivers, not to exceed two thousand dollars, and to pay the delegates such per diem as the agent and Creek Council may agree upon as a just and fair compensation; all of which shall be distributed for that purpose by the agent, with the advice of the Creek Council, under the direction of the Secretary of the Interior. One hundred thousand dollars shall be paid [in money and divided] to soldiers that enlisted in the Federal army, and the loyal refugee Indians and freedmen who were driven from their homes by the rebel forces, to reimburse them in proportion to their respective losses; four hundred thousand dollars to be paid [in money and divided] per capita to said Creek Nation, unless otherwise directed by the President of the United States, under the direction of the Secretary of the Interior, as the same may accrue from the sale of land to other Indians. The United States agree to pay to said Indians, in such manner and for such purposes as the Secretary of the Interior may direct, interest at the rate of five per cent. per annum from the date of the ratification of this treaty, on the amount hereinbefore agreed upon for said ceded lands, after deducting the said two hundred thousand dollars; the residue, two hundred and seventy-five thousand one hundred and sixty-eight dollars, shall remain in the

treasury of the United States, and the interest thereon, at the rate of five per cent. per annum, be annually paid to said Creeks as above stipulated.

ARTICLE IV.

Immediately after the ratification of this treaty, the United States agree to ascertain the amount due the respective soldiers who enlisted in the Federal army, loyal refugee Indians and freedmen, in proportion to their several losses, and to pay the amount awarded each, in the following manner, to-wit: A census of the Creeks shall be taken by the agent of the United States for said Nation, under the direction of the Secretary of the Interior, and a roll of the names of all soldiers that enlisted in the Federal army, loyal refugee Indians and freedmen be made by him. The Superintendent of Indian Affairs for the Southern Superintendency, and the agent of the United States for the Creek Nation, shall proceed to investigate and determine from said roll the amounts due the respective refugee Indians, and shall transmit to the Commissioner of Indian Affairs for his approval, and that of the Secretary of the Interior, their awards, together with the reasons therefor. In case the awards so made shall be duly approved, said awards shall be paid from the proceeds of the sale of said lands within one year from the ratification of this treaty, or as soon as said amount of one hundred thousand dollars (\$100,000) can be raised from the sale of said lands to other Indians.

ARTICLE V.

The Creek Nation hereby grant a right of way through their lands, to the Choctaw and Chickasaw country, to any company which shall be duly authorized by Congress, and shall, with the express consent and approbation of the Secretary of the Interior, undertake to construct a railroad from any point north to any point in or south of the Creek country, and likewise from any point on

their eastern to their western or southern boundary ; but said railroad company, together with all its agents and employee, shall be subject to the laws of the United States relating to intercourse with Indian tribes, and also to such rules and regulations as may be prescribed by the Secretary of the Interior for that purpose ; and the Creeks agree to sell to the United States, or any company duly authorized as aforesaid, such lands not legally occupied by a member or members of the Creek Nation, lying along the line of said contemplated railroad, not exceeding on each side thereof a belt or strip of land three miles in width, at such price per acre as may be eventually agreed upon between said Creek Nation and the party or parties building said road, subject to the approval of the President of the United States. *Provided, however,* that said land thus sold shall not be reconveyed, leased or rented to or be occupied by any one not a citizen of the Creek Nation, according to its laws and recognized usages ; *Provided, also,* that officers, servants and employes of said railroad, necessary to its construction and management, shall not be excluded from such necessary occupancy, they being subject to the provisions of the Indian intercourse law, and such rules and regulations as may be established by the Secretary of the Interior ; nor shall any conveyance of any of said lands be made to the party building and managing said road until its completion as a first-class railroad, and its acceptance as such by the Secretary of the Interior.

ARTICLE VI.

[Stricken out by agreement.]

ARTICLE VII.

The Creeks hereby agree that the Seminole tribe of Indians may sell and convey to the United States all or any portion of the Seminole lands, upon such terms as may be mutually agreed upon by and between the Seminoles and the United States.

ARTICLE VIII.

It is agreed that the Secretary of the Interior forthwith cause the line dividing the Creek country, as provided for by the terms of the sale of the Creek lands to the United States in article third of this treaty, to be accurately surveyed under the direction of the Commissioner of Indian affairs, the expenses of which survey shall be paid by the United States.

ARTICLE IX.

Inasmuch as the agency buildings of the Creek tribe have been destroyed during the late war, it is further agreed that the United States shall, at their own expense, not exceeding ten thousand dollars, cause to be erected suitable agency buildings, the sites whereof shall be selected by the agent of said tribe, in the reduced Creek reservation, under the direction of the Superintendent of Indian Affairs. In consideration whereof the Creeks hereby cede and relinquish to the United States one section of their lands, to be designated and selected by their agent, under the direction of the Superintendent of Indian Affairs, upon which said agency buildings shall be erected, which section of land shall revert to the Creek Nation, when said agency buildings are no longer used by the United States, upon said Nation paying a fair and reasonable value for said buildings at the time vacated.

ARTICLE X.

The Creeks agree to such legislation as the Congress and President of the United States may deem necessary for the better administration of justice and the protection of all rights of person and property within the Indian Territory; *Provided, however,* [that] said legislation shall not in any manner interfere with or annul their present tribal organizations, rights, laws, privileges and customs. The Creeks also agree that a General Council, consisting of delegates elected by each Nation or tribe,

lawfully resident within the Indian Territory, may be annually convened in said Territory, which council shall be organized in such manner and possess such powers as are hereinafter described.

First.—After the ratification of this treaty, and as soon as may be deemed practicable by the Secretary of the Interior, and prior to the first session of said Council, a census or enumeration of each tribe, lawfully resident within said Territory, shall be taken, under the direction of the Superintendent of Indian Affairs, who, for that purpose, is hereby authorized to designate and appoint competent persons, whose compensation shall be fixed by the Secretary of the Interior and paid by the United States.

Second.—The first General Council shall consist of one member from each tribe, and an additional member from each one thousand Indians, or each fraction of a thousand greater than five hundred, being members of any tribe lawfully resident in said territory, and shall be selected by said tribes respectively, who may assent to the establishment of said General Council; and if none should be thus formally selected by a Nation or tribe, the said Nation or tribe shall be represented in said General Council by the chief or chiefs and head men of said tribe, to be taken in the order of their rank, as recognized in tribal usage, in the same number and proportion as above indicated. After the said census shall have been taken and completed, the Superintendent of Indian Affairs shall publish and declare to each tribe the number of members of said Council to which they shall be entitled, under the provisions of this article, and the persons entitled to so represent said tribes shall meet at such time and place as he shall appoint; but, thereafter, the time and place of the sessions of said Council shall be determined by its action; *Provided* that no session in any one year shall exceed the term of thirty days, and provided that special sessions of the Council may be called whenever, in the judgment of the

Secretary of the Interior, the interest of said tribes shall require.

Third.—Said General Council shall have power to legislate upon all rightful subjects and matters pertaining to the intercourse and relations of the Indian tribes and Nations resident in said Territory, the arrest and extradition of criminals and offenders escaping from one tribe to another, the administration of justice between members of the several tribes of said Territory and persons other than Indians and members of said tribes or Nations, the construction of works of internal improvement, and the common defense and safety of the Nations of said Territory. All laws enacted by said General Council shall take effect at such time as may be therein provided, unless suspended by the direction of the Secretary of the Interior or the President of the United States. No law shall be enacted inconsistent with the Constitution of the United States, or the laws of Congress, or existing treaty stipulations with the United States, nor shall said Council legislate upon matters pertaining to the organization, laws or customs of the several tribes, except as herein provided for.

Fourth.—Said Council shall be presided over by the Superintendent of Indian Affairs, or, in case of his absence from any cause, the duties of said Superintendent, enumerated in this article, shall be performed by such person as the Secretary of the Interior may direct.

Fifth.—The Secretary of the Interior shall appoint a secretary of said Council, whose duty it shall be to keep an accurate record of all the proceedings of said Council, and who shall transmit a true copy of all such proceedings, duly certified by the Superintendent of Indian Affairs, to the Secretary of the Interior, immediately after the sessions of said Council shall terminate. He shall be paid out of the Treasury of the United States an annual salary of five hundred dollars.

Sixth.—The members of said Council shall be paid by the United States the sum of four dollars per diem during

the time actually in attendance on the session of said Council, and at the rate of four dollars for every twenty miles necessarily traveled by them in going from and returning to their homes, respectively, from said Council, to be certified by the Secretary of said Council and the Superintendent of Indian Affairs.

Seventh.—The Creeks also agree that a court or courts may be established in said Territory, with such jurisdiction and organized in such manner as Congress may by law provide.

ARTICLE XI.

The stipulations of this treaty are to be a full settlement of all claims of said Creek Nation for damages and losses of every kind growing out of the late rebellion, and all expenditures by the United States of annuities in clothing and feeding refugees and destitute Indians since the diversion of annuities for that purpose consequent upon the late war with the so-called Confederate States; and the Creeks hereby ratify and confirm all such diversions of annuities heretofore made from the funds of the Creek Nation by the United States; and the United States agree that no annuities shall be diverted from the objects for which they were originally devoted by treaty stipulations with the Creeks, to the use of refugee and destitute Indians other than the Creeks, or members of the Creek Nation, after the close of the present fiscal year, June 30th, 1866.

ARTICLE XII.

The United States reaffirm and reassume all obligations of treaty stipulations with the Creek Nation entered into before the treaty of said Creek Nation with the so-called Confederate States, July tenth, eighteen hundred and sixty-one, not inconsistent herewith; and further agree to renew all payments accruing by force of said treaty stipulations, from and after the close of the pres-

ent fiscal year, June thirtieth, eighteen hundred and sixty-six, except as is provided in article eleventh.

ARTICLE XIII.

A quantity of land not exceeding one hundred and sixty acres, to be selected according to legal subdivisions, in one body, and to include their improvements, is hereby granted to every religious society or denomination which has erected, or which, with the consent of the Indians, may hereafter erect buildings within the Creek country for missionary or educational purposes; but no land thus granted, nor the buildings which have been or may be erected thereon, shall ever be sold or otherwise disposed of, except with the consent and approval of the Secretary of the Interior; and whenever any such lands or buildings shall be so sold or disposed of, the proceeds thereof shall be applied, under the direction of the Secretary of the Interior, to the support and maintenance of other similar establishments for the benefit of the Creeks and such other persons as may be or may hereafter become members of the tribe, according to its laws, customs and usages; and if at any time said improvements shall be abandoned for one year for missionary or educational purposes, all the rights herein granted for missionary and educational purposes shall revert to the said Creek Nation.

ARTICLE XIV..

It is further agreed that all treaties heretofore entered into between the United States and the Creek Nation, which are inconsistent with any of the articles or provisions of this treaty, shall be, and are hereby, rescinded and annulled; and it is further agreed that ten thousand dollars shall be paid by the United States, or so much thereof as may be necessary to pay the expense, incurred in negotiating the foregoing treaty.

Proclaimed August 11th, 1866.



SUPPLEMENT.



[NOTE.—The following acts were not found by the committee who compiled this code until the work was in press. It being impossible to place them in the body of the book, without great additional expense, it has been deemed best to have them printed in the form of a supplement.]

CRIMINAL LAWS.

CRIMINAL LAWS, APPROVED OCTOBER 12, 1867.

1. *Be it enacted by the General Council,* That all cases of murder shall be punishable by death upon conviction.

2. *Be it further enacted,* That the accused shall have a fair and impartial trial, and no one shall sit on any case where he is related to either of the parties by blood or marriage, unless it is by consent of the parties.

3. *Be it further enacted,* That if any person kill another accidentally, or in self-defense, he shall not be punished.

4. *Be it enacted,* That should any person be convicted of rape, he shall for the first offense receive fifty lashes; for the second offense he shall suffer death.

5. *Be it enacted,* That if any person shall steal property from another, the party thus aggrieved shall recover damages in full.

6. *Be it enacted,* That it shall be unlawful for any woman to use medicine calculated to cause infanticide; and any woman who may be found guilty of the violation of this law shall receive fifty lashes on the bare back.

CIVIL LAWS.

CIVIL LAWS, APPROVED OCTOBER 12, 1867, AND NOT REPEALED.

1. *Be it enacted*, That no persons shall receive damages for injuries done their crops, unless they have a fence nine rails high, staked and rided; and when they have lawful fences around their farms, and the stock of another individual injures their crops, they shall be entitled to damages, to be assessed by two disinterested persons.

3. *Be it enacted*, That if any person or persons shall set the woods or prairies on fire, and the fire should damage another individual in person or property, the offenders shall pay such damages as shall be assessed by two disinterested persons.

4. *Be it enacted*, That if any person of this Nation refuse to pay his or her just debts, it shall be the duty of the light-horse company to proceed and collect the debt out of any effects that may be found in his or her possession.

5. *Be it enacted*, That the last will and testament of any citizens of this Nation shall be valid; and should any citizens of this Nation die without making a will, not having an opportunity to do so, and shall express, before two respectable witnesses, the manner in which they wish their effects disposed of, it shall be valid; and no will shall be valid unless the testator shall have been in his or her proper mind, and such fact testified to by two respectable witnesses.

6. *Be it further enacted*, That if any person die without a will, having property and children, the property shall be equally divided among the children by disinterested persons; and in all cases where there are no children, the nearest relation shall inherit the property

7. *Be it further enacted*, That no citizen or other persons of this Nation shall bring any claim against a deceased person without two respectable witnesses, who shall have been present at the time the claim was created, or shall hold his or her obligation; in either case, where the deceased has property, it shall be collected; otherwise the claim shall not be good.

8. *Be it further enacted*, That no will shall be valid where it is proven that it was made to avoid the payment of just debts.

9. *Be it further enacted*, That in order more effectually to carry into effect the law prohibiting the introduction and vending of ardent spirits, it shall be the duty of the light-horse company to execute the said law to its full extent; to search, find and spill all the spirituous liquors that may be found in their respective limits, and to collect a fine at the hands of the vender, at the rate of four dollars per gallon for all liquors spilled.

13. *Be it further enacted*, That if any citizen of this Nation be found guilty of having violated the above law by selling liquors, he or she shall be fined as provided for above.

14. *Be it enacted*, That it shall be unlawful for any stallion, over two years old, to run at large, and all such may be castrated.

15. *Be it enacted*, That should there occur a vacancy in the executive office of this Nation, eight months or less before the expiration of his term, the President of the House of Kings shall perform the duties of that office to the end of the term; but if it is for a longer period than eight months, he shall then issue an order

for the filling of the vacancy by the popular vote, as provided for by the Constitution.

16. *Be it enacted*, That no person who has been convicted of felony shall be eligible to any office of profit, honor or trust under this government.

Be it enacted by the National Council of the Muskogee Nation: That it shall be the duty of the several committees of the National Council to act *only* on such business as shall have been committed to them from either of the houses.

Be it further enacted, That all business intended for the consideration and action of the Council must be introduced or submitted by a member, except official reports required or authorized by law.

Approved October 8th, 1872.

Be it enacted by the National Council of the Muskogee Nation: That places which have been vacated without fencing, or houses, for the term of five years, shall be liable to settlement and improvement by any citizen of this Nation.

Be it further enacted, That any citizen who may settle upon such places shall have all the rights to them as though they had never been occupied before.

Approved October 16th, 1872.

Be it enacted by the National Council of the Muskogee Nation: That from and after the passage of this act all public officers, such as captains of light-horse companies, etc., who handle public funds, shall be required to execute a bond for the penal sum of *one thousand dollars* each, with good security, to the Creek Nation, for the faithful transaction of all financial business assigned them in law.

Approved October 19th, 1872.

Be it enacted by the National Council of the Muskogee Nation: That where a district judge has issued a writ in case of crime, and the officer of the district fails

to make the arrest, the judge shall offer such reward for the apprehension of the criminal as he shall deem just and effective.

Be it enacted by the National Council of the Musko-gee Nation: That all meetings and conventions, and all secret movements, having for their object the prevention of the execution of law, or the subversion of the laws and Constitution, are hereby forbidden. Any citizen of this Nation who shall be found guilty of the violation of the above law shall receive *one hundred lashes* on the bare back for each such offense.

Be it further enacted, That no citizen of this Nation shall exercise the power of petitioning any foreign power upon any question, when such petition shall be in its nature subversive of the laws and Constitution of this Nation; and any citizen who shall be found guilty of violating the above law shall receive fifty lashes upon the bare back.

Be it further enacted, That no citizen of this Nation shall exercise the right of attending any meeting or council called by an alien or aliens, when such meeting is intended to produce lawlessness, or is subversive of the Constitution and laws of this Nation; and any citizen found guilty of violating the above law shall receive fifty lashes.

Be it further enacted, That no citizen of this Nation shall be permitted to carry, knowingly, any message or dispatch to forward or promote any move having a tendency to prevent the free operation of the laws and Constitution of this Nation. Any person or persons found guilty of the violation of this law shall be fined the sum of fifty dollars, which fine shall be collected by the light horsemen and paid into the National treasury; but if unable to pay, he or she shall receive twenty-five lashes.

Be it further enacted, That if any citizen be found guilty of threatening or attempting to take the life of any

officer of this Nation, in consequence of the discharge of his public duties, he shall be fined one hundred dollars, and, if unable to pay the fine, shall receive one hundred lashes. Such fines shall be collected by the light horsemen and paid into the National treasury.

Approved August, 1872.

Be it enacted by the National Council of the Muscogee Nation: That the Principal Chief be and is hereby authorized to appoint and commission, on special public business, one or more persons, during the intervals of Council, whose expenses and compensation shall be paid out of the National treasury.

Approved August, 1872.

Be it further enacted, That the above law (*relating to the carrying of deadly weapons*) shall not be so construed as to prevent any one from carrying arms of any kind on the public highway, in the wilderness, or about his own premises.

Be it further enacted, That any person or persons found guilty of violating the above act, shall be dispossessed of his or her weapons by the light horsemen in their respective districts.

Approved October, 1873.

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ERRATUM.— In Chapter III, page 29, 4th line, for the word “Arkansas,” read “MUSKOGEE.”

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