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**LAWS AND JOINT RESOLUTIONS**

**OF THE**

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**NATIONAL COUNCIL:**

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**PASSED AND ADOPTED**

**AT THE**

**REGULAR AND EXTRA SESSIONS OF 1870.**

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**NATIONAL PRINTING OFFICE:  
TAHLEQUAH, CHEROKEE NATION.  
1871.**



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## AN ACT

*To have the Laws and Joint Resolutions passed during the Regular and Extra Sessions of the National Council in 1870, translated and printed.*

*Be it enacted by the National Council,* That the Principal Chief be authorized to have all the Acts and Joint Resolutions of the National Council, which have been or may be hereafter passed, at the Regular and Extra Sessions in 1870, and approved by him, translated and printed in the Cherokee Advocate in both the English and Cherokee; and also, three hundred copies of each in pamphlet form.

Approved.

LEWIS DOWNING,  
*Principal Chief.*

TAHLEQUAH, C. N., December 9th, 1870.



**ACTS AND RESOLUTIONS OF THE NATIONAL  
COUNCIL.**

PASSED AND ADOPTED AT THE REGULAR SESSION OF 1870.

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**A N A C T**

*Requiring the Auditor of Accounts to remain at the seat of Government during the session of the National Council, to discharge such duties as may be assigned him.*

*Be it enacted by the National Council, That from and after the date of this act, the Auditor of Public Accounts, be, and he is hereby required to remain at the seat of Government, during the session of the National Council to discharge such duties as may be assigned him.*

*Be it further enacted, That the said Auditor be and he is hereby allowed for his services aforesaid, the sum of four dollars per day during actual service; and all acts conflicting herewith are hereby repealed.*

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., November 11th, 1870.

## A N A C T

*Making an appropriation for three hundred dollars (\$300.00) in favor of Joseph Calvey, for his services in building a Court House in Coo-wi-scoo-wi District.*

*Be it enacted by the National Council,* That in accordance with the act of the National Council, under date of December 9th, 1867, and amended November 23d, 1868, entitled, "An Act relative to the Court House in Coc-wi-scoo-wi District," the sum of three hundred dollars (\$300.00) be, and the same is hereby appropriated out of any money in the Treasury belonging to the General Fund not otherwise appropriated, in favor of Joseph Calvey; and the Principal Chief is authorized to draw a warrant accordingly.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., November 12th, 1870.

## A N A C T

*To establish a Precinct at or near Ned Bigmush's on Horse Creek, Delaware District, Cherokee Nation.*

*Be it enacted by the National Council,* That a Precinct for the accommodation of voters, be, and the same is hereby established at or near Ned Bigmush's, on Horse Creek, in Delaware District, Cherokee Nation, and the District Judge is hereby authorized to appoint Judges and Clerks of election accordingly.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., November 15th, 1870.

## A N A C T

*Authorizing the Board of Home Missions of the Presbyterian Church to establish a Missionary Station at Fort Gibson.*

*Be it enacted by the National Council,* That permission be, and is hereby granted to the Board of Home Missions of the Presbyterian Church to establish a Missionary Station at or near Fort Gibson in Illinois District, Cherokee Nation, for the purpose of prosecuting missionary labors for the improvement of the Cherokee people, and that James Vann, Assistant Principal Chief, and Daniel H. Ross, be appointed a committee on part of the Cherokee Nation, to act in conjunction with the Rev. L. Dobson, or other authorized agent of said Board in selecting a site for said Station.

Approved, LEWIS DOWNING,  
*Principal Chief.*

TAHLEQUAH, C. N., November 12th, 1870.

A N A C T

*Making (an) appropriation to defray expenses of Delegation to a called council at Okmulgee, Creek Nation, June 1. 1870.*

*Be it enacted by the National Council,* That the sums set opposite the names of the claimants, be, and the same is hereby appropriated out of the General Fund, to defray the expenses of said persons, being a Delegation appointed by the Acting Principal Chief of the Cherokee Nation, to attend a called Council at Okmulgee, Creek Nation, to attend to business on behalf of the Cherokee Nation, and the Principal Chief is hereby authorized to draw warrants for the same.

W. P. Ross,	8 days,	at \$4 00 per day,	\$32 00
S. H. Bengel,	8 " "	" " " "	32 00
" "	8 " "	as Interpreter, - - -	6 00
Sam'l M Taylor	10 " "	at \$4 00 per day,	40 00
Joseph Duval,	10 " "	" " " "	40 00
Frog Sixkiller,	12 " "	" " " "	48 00
George Ross,	12 " "	" " " "	48 00

Approved, LEWIS DOWNING,  
*Principal Chief.*

TAHLEQUAH, C. N., November 18, 1870.

## A N A C T

*Relating to the North Carolina Cherokees.*

Whereas, by treaty stipulations, that class of Cherokees known as North Carolina Cherokees, are, on their removal and permanent location within the limits of the Cherokee Nation, entitled to all the rights and privileges of the same.

And, whereas, the National Council, under a Joint Resolution, approved, December 10th, 1869, entitled "A Joint Resolution of the National Council in regard to the North Carolina Cherokees," has invited the said North Carolina Cherokees to emigrate West, and become identified with the Cherokee Nation as citizens thereof. Therefore,

*Be it enacted by the National Council,* That all such Cherokees as may hereafter remove into the Cherokee Nation, and permanently locate therein as citizens thereof, shall be deemed as Cherokee citizens. *Provided,* said Cherokees shall enroll themselves before the Chief Justice of the Supreme Court within two months after their arrival in the Cherokee Nation, and make satisfactory showing to him of their being Cherokees.

And the said Chief Justice is hereby required to report the number, names, ages, and sex, of all persons admitted by him, to be entitled to Cherokee citizenship, and also the number, names, ages, and sex of the persons denied the rights of Cherokee citizenship to the annual session of the National Council in each year.

Approved, LEWIS DOWNING.

*Principal Chief.*

TAHLEQUAH, C. N., November 18, 1870.

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 JOINT RESOLUTION

*Of the National Council in respect to the arrest of Messrs. W. P. Ross and S. H. Benge, (Cherokee Senators,) by U. S. Deputy Marshals.*

Whereas, it appears that Messrs W. P. Ross and Samuel Houston Benge, Senators of the Cherokees, while in

the legitimate discharge of their duties in the Senate Chamber of the Cherokee Nation, have been arrested by a Deputy Marshal of the United States, to be taken to Van Buren, Arkansas, as prisoners for arraignment and trial before the United States District Court, upon the charge of a resistance of the enforcement of the laws of the United States, in the Cherokee Nation. And, whereas said arrest is an infringement of the privileges of the said W. P. Ross and S. H. Benge, as members of the National Council of the Cherokee Nation, and a violation of their rights as citizens of the Cherokee Nation. Therefore,

*Be it resolved by the National Council;* The arrest of the said W. P. Ross and S. H. Benge, members of the Senate of the Cherokee Nation, by U. S. Deputy Marshals, as aforesaid, is an infringement of their privileges as members of the Senate, while the National Council is in session, and a violation of their rights as citizens of the Cherokee Nation, as guaranteed by the Treaties, and by the laws of the United States regulating trade and intercourse with the Indian tribes.

*Be it further resolved,* That while the National Council are in favor of the strict observance of the treaties between the United States Government and the Cherokee Nation, and of the proper administration of all laws binding upon the Cherokee people, they are of the opinion that the arrest of the said W. P. Ross and S. H. Benge, as aforesaid, is illegal, and not entitled to respect, until the reputed warrant for the same shall have been properly endorsed by a demand from his Excellency, the President of the United States, through the United States Cherokee Agent, upon the Principal Chief of the Cherokee Nation, as the chief Executive Officer thereof.

*Be it further resolved,* That the Principal Chief be and he is hereby authorized, in behalf of the Cherokee Nation, to employ such Attorneys as may be necessary and proper for the vindication of the rights of the Cherokee people, as involved in the said case of the said W.

P. Ross and S. H. Bengo before the judicial tribunals of the United States.

*Be it further resolved*, That the Principal Chief be, and he is hereby requested, to bring the case of the said Ross and Bengo before his Excellency the President of the United States, and to ask the intervention of his authority for the protection of the rights of the Cherokee people, and for the abatement (of) (to) the frequent and unwarrantable annoyance and disturbance to which they are continually subjected, and by which they are harassed by hordes of U. S. Deputy Marshals infesting the Cherokee country, under the alleged and extraordinary jurisdiction claimed over the Indian Territory by the U. S. Court held at Van Buren, Arkansas.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAILEQUAH, C. N., November 23, 1870.

## JOINT RESOLUTION

*Of the National Council.*

Whereas the Principal Chief has submitted to the National Council two communications, to wit: First, a letter signed Levi Parsons, President of the Missouri, Kansas and Texas Railroad Company, dated New York, October 31, 1870, and addressed to the Hon. E. S. Parker, Commissioner of Indian Affairs; and second, the reply of the said Hon. E. S. Parker, Commissioner of Indian Affairs, to said letter of Levi Parsons, dated Department of the Interior, Office of Indian Affairs, Washington, D. C., November 1st, 1870. And, whereas, the said Levi Parsons, President of the Missouri, Kansas and Texas Railroad Company, in said letter, after setting forth his reasons therefor, as alleged under the 16th section of an Act of Congress, to be found on page 233 of the 14th volume of the Statutes of the United States at large, and under which statute the said Missouri, Kansas and Texas Railroad Company is engaged in the construction of a Railroad from the southern boundary

of Kansas, west of the Neosho river, south through the Indian country to a point at or near Preston in Texas, and also to Fort Smith suggests "that under the 10th section of said bill, the company, subject to the approval of the President as provided in said section, be authorized to negotiate with the Indians for, say, one section of land at each station on the line of its road, and that at the crossing of the Atlantic and Pacific road, which is an east and west road, with our road, that we be authorized to negotiate for more." And, whereas, the Principal Chief of the Cherokee Nation, in a special communication dated 12th November, 1870, has transmitted to the National Council, copies of the aforementioned letters "for their" information, deliberation, and action, and with the view of eliciting from them such expression of their decision in the premises as is indicated in the letter of the Honorable Commissioner of Indian Affairs above named. Therefore,

*Be it resolved by the National Council,* That the true intent and meaning of the 11th Article of the Treaty between the United States and the Cherokee Nation, ratified with amendments, on the 27th day of July, 1866, was, that the Cherokee Nation granted the right of way through their country for the construction of only one road running from a point north to a point south, and only one road from a point east to a point west through the Indian Territory, and such roads to be constructed by any company or corporation that might be thereafter chartered by Congress for that purpose, and that all that was granted by the Cherokee Nation, or intended to be granted, directly, or by implication, to such north and south road, or such east and west rail road, is contained and clearly expressed and defined in the 11th Article of said Treaty of July 27th, 1866, in the language following, to wit:

"The Cherokee Nation hereby grant a right of way not exceeding two hundred feet wide, except at stations, switches, water stations, or crossings of rivers, where more may be indispensable to the full enjoyment of the franchise herein granted, and then only two hundred

additional feet shall be taken, and only for such length as may be absolutely necessary, through all their lands, to any company or corporation which shall be duly authorized by Congress to construct a railroad from any point north to any point south, and from any point east to any point west of, and which may pass the Cherokee Nation," &c.

*Resolved further*, That the Cherokee Nation acknowledges the binding obligation upon the contracting parties of the before quoted provisions of the 11th Article of the Treaty of July 27th, 1866, and also the obligations assumed by the United States in the 26th Article of said Treaty, and which declares that the United States guaranty to the people of the Cherokee Nation the quiet and peaceable possession of their country.

*Resolved further*, That the National Council of the Cherokee Nation, for themselves, and in the name and on the behalf of the people of the Cherokee Nation, hereby, respectfully, but solemnly declare their determination to neither grant, cede, nor relinquish in any manner whatever, their right, title, or interest to a single acre more of the lands guarantied to them by letters Patent from the United States, and named in the said 26th Article of the Treaty of July 27th, 1866, to any company or corporation whatever.

*Further resolved*, That the before named Missouri, Kansas and Texas Railroad Company, obtaining the right in advance of the "Missouri River, Fort Scott and Gulf Railroad Company," to construct the north and south road through the Cherokee Nation, from the southern boundary of Kansas, southward to a point at or near Preston in the State of Texas, has acquired only the franchises, rights, and privileges conferred by Act of Congress, and which may be in accordance with the before quoted Article 11th of the said Treaty of July 27th, 1866, and does not thereby acquire any rights or privileges to construct any branch from said road from Fort Gibson in the Cherokee Nation, to Fort Smith in the State of Arkansas, or in any other direction than that from north to south; and the National Council

hereby declares that no right exist by law or Treaty for the construction of such branch road by said company, and they protest against the assumption or exercise of any such privilege within the limits of the Cherokee Nation.

*Resolved further,* That the Principal Chief be requested to forward a copy of these Resolutions to Hon. E. S. Parker, Commissioner of Indian Affairs, as expressive of the views of the National Council upon the propositions of Levi Parsons, Esq., President of the Missouri, Kansas and Texas Railroad Company, and upon the questions arising therefrom as above mentioned.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., November 24, 1870.

## A N A C T

*Making an appropriation for the benefit of To-you-ne-sec.*

*Be it enacted by the National Council,* That the sum of three hundred dollars (\$300.00) be, and the same is hereby appropriated out of any funds in the Treasury (belonging to the general fund) not otherwise appropriated, in favor of To-you-ne-sec, for building a Court House in Saline District, according to the provisions of an act of the National Council of November 30th, 1869, providing for the building of a Court House in Saline District. And the Principal Chief is authorized to draw a warrant accordingly.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., November 24th, 1870.

## RESOLUTIONS

*Of report to Hon. Jesse Henry, deceased, late member of the Executive Council from Coo-wi-sego-wi District.*

## LAWS OF THE

Whereas, the National Council has been informed this morning, through a message from the Principal Chief, of the death of Hon. Jesse Henry, of Coo-wi-scoo-wi District, Member of the Executive Council. Therefore,

*Be it resolved by the National Council,* That the National Council has received with profound regret the official announcement of the death of the said Jesse Henry, and that for his valuable services to his country and his people, he merits the grateful remembrance of his country, for his patriotic devotion to it for a lifetime.

*Be it further resolved,* That the National Council entertains a deep sympathy for the family of the deceased in their bereavement, and that the Principal Chief be, and he is hereby requested to furnish a copy of these resolutions to the family of the deceased.

*Be it further resolved,* That as a further testimonial of respect to the memory of the deceased, the National Council adjourn until Monday, the 28th instant at 9 o'clock, A. M., and the President of the Senate and the Speaker of the Council appoint a committee of three members of their respective bodies, to wait upon the Principal Chief, and to act in conjunction with him in providing for the funeral service of the deceased, the expenses of which to be borne by the Nation, in such an amount as may be necessary, within the discretion of the Principal Chief.

*Be it further resolved,* That as a further testimonial of respect to the memory of the deceased, the members of the Senate and Council and of the Executive Department wear the usual badge of mourning for thirty days.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., November 25th, 1870.

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## A N A C T

*Making an appropriation for the purposes named.*

Whereas, Messrs. W. P. Ross and S. H. Bengé, Senators of the Cherokee Nation, have been arrested by the United States Marshal, for the purpose of answering before the United States District Court at Van Buren, Arkansas, for an alleged opposition to the enforcement of the laws of the United States in the Cherokee Nation.

And, whereas, the National Council, by joint resolution of the 23d instant, has authorized the Principal Chief to employ counsel in behalf of the Cherokee Nation, to represent the interests of the Cherokee people in defending the said W. P. Ross and S. H. Bengé before said Court. Therefore,

*Be it enacted by the National Council,* That the Principal Chief be, and he is hereby authorized in defraying the expense of employing counsel as aforesaid, to draw warrants payable out of any money in the National Treasury belonging to the general fund, not otherwise appropriated.

*Be it further enacted,* That the Principal Chief be, and he is hereby authorized to draw warrants for such amount of funds as may be necessary, within the discretion of the Chief, to defray the personal necessary expenses of said W. P. Ross and S. H. Bengé while necessarily absent from their homes, under the charges aforesaid, and which said warrants shall be payable out of any funds in the National Treasury belonging to the general fund, not otherwise appropriated.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., November 24th, 1870.

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## A N A C T

*Making an appropriation for Alexander Hank, Administrator of the estate of Too-stoo, deceased.*

*Be it enacted by the National Council,* That the sum of one thousand seven hundred dollars (\$1,700) as Principal, and one hundred and two dollars (\$102) as interest on the same for one year at 6 per centum per an-

num, be, and the same is hereby appropriated out of any funds belonging to the \$150,000 fund, provided for by the 23d Article of the Cherokee Treaty of 1866, to meet the outstanding obligations of the Nation, in favor of Alexander Hawk, Administrator of the estate of Too-stoo, deceased, late Treasurer of the Nation, making the sum of \$1802 due the said Too-stoo's estate, as per a receipt dated November 7th, 1864, signed, Lewis Ross, Treasurer of the Nation. And the Principal Chief is authorized to draw a warrant accordingly.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TALLEQUAH, C. N., November 23, 1870.

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## AN ACT

### *Authorizing the appointment of a Delegation.*

Whereas, it is deemed expedient to appoint a Delegation to represent the interests of the Cherokee Nation before the Government of the United States at Washington City; Therefore,

*Be it enacted by the National Council,* That there be appointed in the manner prescribed for by the Constitution, a delegation, to consist of four persons, who shall be authorized to proceed to Washington City for the purpose of representing the Cherokee Nation before the Government of the United States, and who shall be invested with such powers as may be hereafter conferred upon them by the National Council.

*Be it further enacted,* That said delegation shall be allowed two hundred dollars each for travelling expenses, and seven dollars per day, while necessarily absent on their mission, and when sums shall be in full for their services and all personal expenses, and be payable out of such funds as have been hereafter appropriated for that purpose by the National Council.

*Be it further enacted,* That the sum of four thousand and eight hundred dollars, or so much thereof as may be necessary to carry out the provisions of this Act, be

in the Treasury belonging to the annuity fund, to defray the expenses of said Delegation.

Approved, LEWIS DOWNING,  
*Principal Chief.*

TAHLEQUAH, C. N., November 30, 1870.

### A N A C T

*To establish a Precinct at or near John Fawlings, on Cabin Creek, Coo-wi-scoo-wi District, Cherokee Nation.*

*Be it enacted by the National Council,* That a Precinct be, and the same is hereby established at or near John Fawlings, on Cabin Creek, in Coo-wi-scoo-wi District, Cherokee Nation; and the District Judge is hereby authorized to appoint Judges and Clerks of elections, accordingly.

Approved, LEWIS DOWNING,  
*Principal Chief.*

TAHLEQUAH, C. N., November 30, 1870.

### A N A C T

*To remove an election Precinct in Delaware District.*

*Be it enacted by the National Council,* That an election Precinct heretofore established at or near Sequoyah's, in Delaware District, be, and is hereby removed to a place at or near the former residence of the late Richard Taylor, deceased.

And all other Acts, or parts of Acts militating against this Act, are hereby repealed.

Approved, LEWIS DOWNING,  
*Principal Chief.*

TAHLEQUAH, C. N., November 30th, 1870.

### A N A C T

*To locate and build a Court House in Illinois District.*

*Be it enacted by the National Council,* That the Judge and Clerk of the Circuit Court, and the Judge of the District Court in and for Illinois District, be authorized to act as commissioners to select a site suitable for building a Court House, at or near Lewis Dazzler's place, on Greenleaf creek, in said District; and to contract for building and furnishing said house, and for the payment of which Court House the sum of three hundred dollars is hereby appropriated out of any money in the Treasury belonging to the general fund, not otherwise appropriated.

*Be it further enacted,* That the Principal Chief be, and he is hereby authorized to draw a warrant for the before named sum, whenever the said commissioners shall certify to him in writing that said Court House has been completed in a satisfactory manner according to contract. And the provisions of any Act conflicting with this Act are hereby repealed.

Approved.

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., November 30th, 1870.

## AN ACT

*Granting a divorce to R. E. Evans.*

*Be it enacted by the National Council,* That a divorce be, and the same is hereby granted to R. E. Evans from her husband; P. C. Evans.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., November 30th, 1870.

## AN ACT

*Changing Precincts of election in Canadian District.*

*Be it enacted by the National Council,* That the Precinct established at Texanah, be, and the same is hereby removed to the public school house near Wm. Trep-



Claimants to Citizenship, shall be paid by the respective claimants, themselves.

Approved, LEWIS DOWNING,  
*Principal Chief.*

TAHLEQUAH, C. N., November 29th, 1870.

## AN ACT

*In relation to the Court House in Canadian District.*

*Be it enacted by the National Council,* That the sum of three hundred dollars, (\$300) be, and the same shall be appropriated out of any money in the National Treasury not otherwise appropriated, for the purpose of repairing the old Court House in Canadian District, or of building a new one in its place.

*Be it further enacted,* That the District Judge of said District, be, and he is hereby authorized to let out the contract to the work.

*Be it further enacted,* That the Principal Chief be, and he is hereby authorized to issue warrants for the same.

JOHN L. ADAIR, *Clerk Senate, pro tem.*

ARCH SCRAPER, *President of the Senate.*

TAHLEQUAH, C. N., December 1st, 1870.

Concurred in with the following amendment, viz:

*And be it further enacted* That the act of November 26th, 1869, providing for the repairing the Court House in Canadian District, be, and the same is hereby repealed.

STEPHEN J. ORSMAN, *Clerk of Council.*

JUMPER MILLS, *Speaker of Council.*

December 2d, 1870.

Amendment concurred in.

JOHN L. ADAIR, *Clerk of Senate, pro tem.*

ARCH SCRAPER, *President of Senate.*

Approved, LEWIS DOWNING,  
*Principal Chief.*

## A N A C T

*Granting Cherokee citizenship to Virginia Tiblow McDonalson, (a Delaware Indian.)*

*Be it enacted by the National Council, That Virginia Tiblow McDonalson, (a Delaware Indian,) be, and she is hereby admitted to all the rights and privileges of a Cherokee citizen; provided, that the rights herein granted shall not vest in the said Virginia Tiblow McDonalson until she shall have paid to the National Treasury a sum of lawful money, equal to the sum paid by other Delaware Indians, per head, in becoming Cherokees, under the "Articles of Agreement" between the Cherokee Nation and Delawares, of April 8th, 1867, and shall have permanently located in the Cherokee Nation as a citizen thereof.*

Approved, \_\_\_\_\_ LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., December 15th, 1869.

## A N A C T

*For the benefit of Young Pig.*

*Be it enacted by the National Council, That the sum of twenty dollars, \$20.00 be, and the same is hereby appropriated out of the general fund, for the benefit of Young Pig, and the Principal Chief is hereby authorized to draw a warrant for the same.*

Approved, \_\_\_\_\_ LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., December 16th, 1869.

## A N A C T

*Inviting the General Council of the Indian Territory to fix the place of their future sessions at Fort Gibson, Cherokee Nation.*

*Be it enacted by the National Council, That the delegates representing the Cherokee Nation in the General*

Council of the Indian Territory, established under the provisions of Treaties between the United States and the Cherokee Nation, and other Nations residing within the limits of the Indian Territory, be authorized and instructed to invite the said General Council in fixing the place for the future sessions of said Council, to locate the same at Fort Gibson, in the Cherokee Nation, and tender for the use of said Council, eligible lots upon which to erect such buildings as may be required for the accommodation and convenience of the Council.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., December 1st, 1870.

## AN ACT

*In reference to nego'iating with the Osaje and Kansas tribe of Indians.*

Whereas, the Principal Chief through a communication of the 18th instant, has transmitted to the National Council two communications, one from Isaac T. Gibson, Agent for the Osage Indians, under date of 18th instant, informing the National Council that a delegation of the Osages is at this place, (Tablequah) for the purpose of negotiating with the Cherokee Nation for a home for the Osages on the Cherokee lands, east and west of the 96° of west Longitude, under the provisions of the 15th and 16th Articles of the Treaty of 1866, between the United States and the Cherokee Nation; and one from Mr. Mah'on S'tu'bs, U. S. Agent for the Kansas tribe of Indians, stating that he is also here for the purpose of negotiating in behalf of said Kansas tribe of Indians, with the Cherokee Nation, with a view of providing a home for the said Kansas Indians, on the Cherokee lands lying on both sides of the said 96°. Therefore:

*Be it enacted by the National Council, That the Principal Chief be, and he is hereby authorized, by and with the consent of the Senate, at his earliest convenience,*

CHEROKEE NATION

to appoint three commissioners, whose duty is to negotiate, if practicable, with the said Osage Delegation, and with the said Mahlow Stubbs, Agent for the Kansas tribe of Indians, for the purpose of securing permanent homes to the said Osage and Kansas tribes of Indians on Cherokee lands, west of the 96° of west Longitude under the provisions of the 16th Article of the Cherokee Treaty of 1866.

*Be it further enacted*, That the said commissioners be, and they are hereby authorized to designate as a permanent home for said Osage and Kansas tribes of Indians, an area of country west of the said 96°, embracing a quantity of land in a compact form equal to one hundred and sixty (160) acres, for each citizen of the Osage and Kansas tribes who may locate therein, and which consists of a strip of land nineteen and one tenth (19 1-10) miles in width at the eastern extremity on the said 96°, and which shall extend to such a distance due west, as to embrace the quantity of land hereinbefore mentioned. And the said commissioners are authorized to agree upon such boundary lines, with the said Osage delegation and Kansas Indians' Agent, as may be necessary between the Osage and Kansas Indians.

And the said commissioners in covenanting the negotiations aforesaid, are instructed to make provisions for the protection of the interests of such Cherokee citizens as occupy or own improvements on the lands west of the said 96°.

*Be it further enacted*, That the said commissioners in purchasing the lands aforesaid, with the said Osage delegation, and the said Stubbs, Agent for the said Kansas Indians, will not be authorized to agree upon a smaller price for the same than one dollar and twenty-five cents (\$1.25) per acre.

JOHN L. ADAIR, *Clerk of Senate*, pro tem.

ARCH SCRAPER, *President of Senate*.

TAHEQUAH, C. N., November 24th, 1870

Concurred in with the following amendments, viz:

That the Principal Chief appoint three commissioners with the consent of the Senate, to be called next with

commissioners representing each of the several bands of Osages, on the first Monday in January, 1871, at Louis Choteau's on Cane creek, in Coo-wi-scoo-wi District, Cherokee Nation, for the purpose of selecting and locating a permanent home for the Osage tribe of Indians, west of the 96°. That the said commissioners on behalf of the Cherokee Nation, shall receive out of the general fund of the Cherokee Nation, three dollars per day while in actual service. And the Principal Chief will give timely notice, as to the day and place of meeting.

STEPHEN FOREMAN, *Clerk of Council.*

JUMPER MILLS, *Speaker of Council.*

TAHLQUAH, C. N., December 1st, 1870.

Amendment concurred in.

JOHN L. ADAIR, *Clerk of Senate, pro tem.*

ARCH SCHAPER, *President of Senate.*

Approved,

LEWIS DOWNING,

*Principal Chief.*

## A N A C T

To repeal a Resolution dated December 15, 1866, a "Resolution granting a license to trade to G. A. Meyer, a citizen of the United States."

Be it enacted by the National Council, That a Resolution of the National Council dated December 15, 1866, entitled a "Resolution granting a license to trade to G. A. Meyer, a citizen of the United States" be, and the same is hereby repealed.

Approved,

LEWIS DOWNING,

*Principal Chief.*

## A N A C T

For the benefit of Col. Wm. A. Phillips.

Be it enacted by the National Council, That the sum of five thousand (\$5,000) dollars, be, and the same is hereby appropriated, in favor of Col. W. A. Phillips, to be

paid out of any funds in Washington, by the Secretary of the Interior, belonging to the one hundred and fifty thousand dollar (\$150,000) fund, provided under the 23d Article of the Treaty of 1866, between the United States and the Cherokee Nation, to meet the out-standing obligations of the Nation.

And the Principal Chief is hereby authorized to draw a warrant accordingly.

Approved,

LEWIS DOWNING,  
*Principal Chief.*

TAHLEQUAH, C. N., December 3d, 1870.

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## RESOLUTIONS

*In relation to vacancies in the General Council of the Indian Territory.*

Whereas on account of irregularities in the appointment of members in the General Council of the Indian Territory convened at Ok-mul-gee, on the 26th of September last, there appears to be doubts as to the legality of the membership of those who fill said vacancies, and,

Whereas, the interests of the country require that all doubts and uncertainties in relation to the matter should be removed as soon as practicable; Therefore,

*Be it resolved by the National Council,* That the Principal Chief be, and he is hereby authorized and requested to give his official sanction to the appointments heretofore made to fill the vacancies in said General Council of the Indian Territory, and to issue to them commissions to expire at the same time as other members of said council from the Cherokee Nation.

Approved,

LEWIS DOWNING,  
*Principal Chief.*

TAHLEQUAH, C. N., December 3d, 1870.

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## A N A C T

*To amend an act entitled "An Act in relation to Stone Coal."*

*Be it enacted by the National Council, That the Act in relation to Stone Coal passed December 14, 1869, be, and the same is hereby so amended, that the leases granted under it may be extended to a term not exceeding five years: Provided, that no lease shall be deemed valid unless the party obtaining the same, shall work the same not less than six months in each year that such lease may be claimed, otherwise said lease shall be forfeited, and the coal mine worked under it revert to the Nation, and be subject to be re-leased as other mines.*

*Be it further enacted, That the tax of five per centum provided for in said act, shall be assessed upon the value of the coal dug and sold at the mine.*

*Be it further enacted, That the parties engaged in the coal business, may in operating the same, be authorized to follow up the veins of coal that may extend outside of the boundary of their respective leases; Provided, that in so doing, the said parties shall not in any respect, intrude upon the rights of any other citizen of the Cherokee Nation. And provided further, that before the said parties shall be allowed to [follow] up veins of coal as aforesaid, they will be required to exhaust the same within the boundary of their respective original leases.*

Approved,

LEWIS DOWNING,

*Principal Chief.*

TABLEQUAH, C. N., December 24, 1870.

## AN ACT

*In relation to vacancies in the Grand Council of the Indian Territory.*

Whereas the Principal Chief has reported a vacancy in the representation of Coo-wi-scoo-wi District in the Grand Indian Council, occasioned by the resignation of Hon. C. N. Vann, Therefore,

*Be it enacted by the National Council, That the Principal Chief be, and he is hereby authorized to fill said*

vacancy by appointment, as well as all others that may occur hereafter up to the expiration of said Grand Council.

Approved,

LEWIS DOWNING,  
*Principal Chief.*

TAHLEQUAH, C. N., December 5th, 1870.

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## A N A C T

*Granting a divorce to Martha J. Starkweather.*

*Be it enacted by the National Council, [That] Martha J. Starkweather, a citizen of this Nation, be, and she is hereby divorced from the bonds of matrimony heretofore entered into between her and Hamilton Starkweather, formerly a citizen of the State of Ohio.*

Approved,

LEWIS DOWNING,  
*Principal Chief.*

TAHLEQUAH, C. N., December 5th, 1870.

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## A N A C T

*Approving the bond of C. N. Vann, Treasurer.*

*Be it resolved by the National Council, That the bond of C. N. Vann, Treasurer of the Cherokee Nation, dated November 17, 1870, be, and the same is hereby approved, as provided by the 4th Article of the 22d section of the constitution.*

Approved,

LEWIS DOWNING,  
*Principal Chief.*

TAHLEQUAH, C. N., December 5th, 1870.

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## RESOLUTION

*To adjourn.*

*Resolved by the National Council: That the present session of the National Council do adjourn on Thursday next, the 6th instant at 11 o'clock, a. m.*

Approved,

LEWIS DOWNING,  
*Principal Chief.*

TAHLEQUAH, C. N., December 5th, 1870.

## AN ACT

*Making an appropriation to pay for copying certain financial records.*

*Be it enacted by the National Council,* That the sum of three hundred and fifty dollars be, and the same is hereby appropriated out of any money in the National Treasury not otherwise appropriated, to be used by the National Treasurer in defraying the expenses in copying the cash books and other registers of Cherokee invested funds, in the different Departments in the city of Washington, for the information and use of the office of the National Treasury, and for the information of the Government and people of the Cherokee Nation.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., December 8th, 1870.

## AN ACT

*To defray the funeral expenses of Wah-la-ne-da.*

Whereas, Wah-la-ne-da, a stranger, who was temporarily in Tahlequah, has died, and there is no person who is interested in the deceased, present to take charge of the corpse; **Therefore,**

*Be it enacted by the National Council,* That the sum of twenty-five dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, belonging to the General Fund, to defray the funeral expenses of the said deceased, and Mr. Oo-char-la-ta be authorized to use the means hereby appropriated for the purposes above specified, and the Principal Chief is hereby authorized to issue a warrant for said amount.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., December 8th, 1870.

## A N A C T

*To re-survey the town of Tahlequah.*

*Be it enacted by the National Council,* That the Principal Chief be, and he is hereby authorized and instructed to appoint some competent persons to re-survey the town of Tahlequah, at the earliest practicable date, stake and number the blocks and lots in such manner that there will be no difficulty to owners of lots of finding and recognizing the same, and that the said Principal Chief, upon completion of the work, draw warrants upon the Treasurer, payable out of the first moneys in the Treasury belonging to the general fund, not otherwise appropriated.

JUMPER MILLS, *Speaker of Council.*

STEPHEN FOREMAN, *Clerk of Council.*

TAHLEQUAH, C. N., December 9th, 1870.

Concurred in with the following amendment, viz:

*Be it further enacted,* That when the said re-survey shall be completed, the said person or persons, so authorized to re-survey the said town, shall, after sixty days notice given in the Cherokee Advocate, proceed to sell to the highest bidder, at public sale, all, or as many of said public lots, as may be in ready demand, and shall report the number of each lot so sold, and the price paid therefor, and to whom sold, to the Principal Chief, who shall issue deeds of use and occupancy to purchasers of said public lots; Provided, that when citizens have erected improvements on any vacant lots and shall not be able to purchase the same at public sale, the privilege shall be allowed said persons to dispose of their said improvements, and that one month's time be allowed for that purpose, from date of sale of said lots; and that the said persons so appointed (two in number) shall receive, the principal, four, and the assistant, three dollars per day, whilst actually engaged in said re-survey.

CHAS. THOMPSON, *President Senate pro tem.*

JOHN L. ADAIR, *Clerk Senate, pro tem.*

TAHLEQUAH, C. N., December 12th, 1870.

Concurred in.

JUMPER MILLS, *Speaker of Council.*

STEPHEN FOREMAN, *Clerk of Council.*

Approved,

LEWIS DOWNING,

*Principal Chief.*

## JOINT RESOLUTION

*To adjourn the present extra session of the National Council.*

*Be it enacted by the National Council.* That the National Council adjourn its present extra session on Friday, the 16th instant, at 12 o'clock, M.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., December 13th, 1870.

## A N A C T

*Respecting the members of the General Indian Council provided for by the Treaty of 1866.*

Whereas by the 12th Article of the Treaty of 1866 between the United States and the Cherokee Nation, it is agreed by the Cherokees that a general Council, consisting of delegates to be selected by each Nation or Tribe lawfully resident within the Indian Territory, may be established in said Territory.

And whereas, the said council has been established as provided for by said treaty;

And whereas, the act passed September 28th, 1868, entitled "An Act in relation to the election of members of the Grand Council," will expire with the term of office of the present members of said council; Therefore,

*Be it enacted by the National Council,* That the representation of the Cherokee Nation in said general coun-

cil shall be seventeen (17) members, until otherwise ordered, whose term of office shall be two years. Sixteen (16) of said members shall be elected at the regular elections of this Nation, held every two years for members of the Senate and Council, and in the same manner in which said members of Senate and Council are elected and returned, and shall on certificates of election, such as are given to members of the Senate and Council, be commissioned by the Chief.

They shall be until otherwise ordered apportioned as follows:

For Canadian District,.....	2	members.
“ Sequoyah “ .....	1	“
“ Flint “ .....	1	“
“ Going Snake “ .....	2	“
“ Delaware “ .....	1	“
“ Coo-wi-scoo-wi District, inclu- ding 1 Delaware,.....	3	“
“ Tahlequah District,.....	2	“
“ Saline “ .....	2	“
“ Illinois “ .....	2	“

And the remaining member making the seventeen referred to, shall be considered as the member at large to which this Nation is entitled, and shall be selected by a joint ballot of both houses of the National Council, and commissioned by the Principal Chief accordingly.

*Be it further enacted,* That all vacancies that may occur in the representation to the said general Council, shall be filled by election to be ordered promptly by the Principal Chief.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., December 13th, 1870.

A N A C T

*Authorizing the Principal Chief to sell two town lots in the town of Tahlequah to the Baptist Church.*

*Be it enacted by the National Council,* That the Principal Chief be, and he is hereby authorized to sell two

town lots in the town of Tahlequah, to the Baptist Church of that place, as a site for a meeting house for the use of said Church. In estimating the price at which said lots may be sold, the Principal Chief shall be guided by the value of the town lots in the immediate vicinity. Provided, that the said lots shall not be the property of any organization outside the limits of this Nation. Provided also, that such lots shall not be sold until said town of Tahlequah shall be re-surveyed.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., December 13th, 1870.

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## A N A C T

*Instructing the Treasurer to make prompt payment on the warrants issued to the Justices, Clerk, Firemaker, and Sheriff of the Supreme Court for their services at the regular term of said Court for 1870.*

*Be it enacted by the National Council, That the Treasurer be, and he is hereby instructed to make prompt payment out of any funds in the Treasury belonging to the general fund, on the warrants issued to the Chief Justice, Associate Justices, Clerk, Firemaker, and Sheriff of the Supreme Court, for their services at the regular term of said Court for 1870.*

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., December 14th, 1870.

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## A N A C T

*Apportioning the representation of the several Districts to the National Council.*

*Be it enacted by the National Council, That in accordance with Article third, section second, of the amendments to the Constitution, there shall be elected at the election held on the first Monday in August,*

1871, and thereafter until the taking of the next regular census as provided for by the constitution, the following number of members of the Council from each District.

Illinois	District, .....	4	members.
Canadian	" .....	3	"
Sequoyah	" .....	3	"
Flint	" .....	3	"
Going Snake	" .....	4	"
Delaware	" .....	4	"
Saline	" .....	3	"
Tahlequah	" .....	5	"
Coo-wi-scoo-wi	" .....	4	"

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

Approved, LEWIS DOWNING,  
*Principal Chief.*

TAHLEQUAH, C. N., December 14th, 1870.

A N A C T

*Respecting the furnishing Railroad ties and other material to the Missouri, Kansas and Texas Railroad Company.*

Whereas, the Missouri, Kansas and Texas Railroad Company, has applied through its duly accredited agent, (Hon. N. S. Goss,) for the purchase of Railroad ties and other material to be used by said Company for the purpose of building that portion of said Railroad which may run within the limits of this Nation, and no other portion thereof. Therefore,

*Be it enacted by the National Council,* That the said Railroad ties and other material be furnished from the public domain of the Cherokee Nation to the said Company upon the following conditions, to wit:

The Principal Chief shall grant a written license to citizens of the Cherokee Nation only, for the purpose of furnishing said ties and material, said citizen, so licensed, before furnishing said ties and material, shall enter into a contract for that purpose with the proper authorities

of said Railroad Company, to be approved by the Interior Department at Washington, according to the terms of the bond of said Company filed in the Interior Department under date of August 10th, 1870, before the said contracts shall be considered as valid and binding. The Cherokee citizens so licensed and contracting, shall, before furnishing ties and material as aforesaid, file bonds with the National Treasurer, to be approved by the Principal Chief, and made payable to him, for the sum, which shall be equal to double [of] the amount which the said Railroad Company is to pay for the said ties and material, and conditioned upon a faithful compliance with the provisions of this Act by the said licensed and contracting citizens.

*Be it further enacted,* That persons furnishing ties and material under the provisions of this Act are hereby required to pay to the sheriffs of their respective districts on which said ties and material may be obtained, for the benefit of the National Treasury, as follows:

For every tie and cross tie . . . . . 5 cents.

For bridge and other Railroad timbers, whether hewed or sawed, 15 per centum of the actual cash value at the time and place of obtaining the same.

For timbers of any kind, whether raw or manufactured, for building rolling stock, or for depots, or other authorized fixtures for said Company, 15 per centum of the actual cash value of the same at the time and place of obtaining the same.

For every cubic yard of stone used in first class stone work . . . . . 15 cents.

For every cubic yard used in second class stone work . . . . . 10 cents.

For every cubic yard used in third class stone work . . . . . 5 cents.

And it shall be the duty of said sheriffs to keep a correct account of all funds so received by them, and to make on oath, a correct report of the same on the first Monday in May and October in each year, to the Treas-

urer of the Nation, to whom at the same time, the said sheriff's shall turn over all fund received by them under this Act.

*Be it further enacted,* That no person furnishing ties and material as aforesaid, shall be permitted to intrude or trespass upon the improvements or rights of any of the citizens of this Nation, without the consent of such citizen; Provided, that no regard be paid to any improvement that may be worth less than fifty dollars, unless said improvement be occupied by an actual settler, and provided further, that nothing herein shall be so construed as to impair the rights of orphan children.

*Be it further enacted,* That after the line of road of said company shall have been completed through the Cherokee Nation, and it shall become necessary from time to time to repair the same, or to repair the bridges or to work upon the depots and other property of the same, it shall be lawful in order obtain the necessary material for that purpose, for the said Company to enter into contracts with the citizens of the Cherokee Nation, who shall pay the charges on the material so furnished, respectively provided for in the second section of this Act.

*Be it further enacted,* That the Principal Chief of the Cherokee Nation shall have the power, and he is hereby invested therewith, to appoint from time to time as occasion may require, three (3) citizens of the Cherokee Nation, whose duty it shall be to examine into and determine the amount of any damages against said Railroad Company, in building and operating its road through said Nation, or any part thereof, which may be sustained by any citizen of said Nation, by reason of said road passing through his or her farm, or destroying or disturbing his or her improvements, or for any destruction of any property of any such citizen, such a judgment to be sent to said Chief, and by him forwarded to the Secretary of the Interior of the United States for his approval, and such adjudgment of damages so approved, to be collected and paid by the United States or any proper authority thereof, and said commissioners

shall be paid for their actual service at the rate of five dollars per day.

CHAS. THOMPSON, *President Senate*, pro tem.

JOHN L. ADAIR, *Clerk Senate*, pro tem.

TAHLEQUAH, C. N., December 10th, 1870.

Concurred in with the following amendment.

That no citizen of the Cherokee Nation, or corporation of such citizens shall be allowed to contract for more than ten thousand ties to any single railroad company, whose road may have the right to pass through said Nation or any part thereof, and any party violating the provisions of this article shall forfeit to the Cherokee Nation, double the amount of his or their contract, to be recoverable before any court of this Nation, having jurisdiction over the same.

JUMPER MILLS, *Speaker of Council*.

STEPHEN FOREMAN, *Clerk of Council*.

December 14, 1870.

Amendment concurred in.

ARCH SCRAPER, *President of Senate*.

JOHN L. ADAIR, *Clerk of Senate*, pro tem.

Approved,

LEWIS DOWNING,

*Principal Chief.*

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## A N A C T

*To amend "An Act respecting the furnishing of Railroad ties and other material to the Missouri, Kansas and Texas Railroad Company."*

*Be it enacted by the National Council.* That the above cited act be so amended in the body of the act as to require the citizens of the Cherokee Nation contracting with the Railroad Company to furnish ties and material in the manner required by the law, shall be required to file a bond with the Treasurer for twice the amount of the tax due the Nation on said approved con-

tract, instead of twice the value of the material furnished, and the same is so amended, and all parts of any law conflicting with this amendment is hereby repealed.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., December 16th, 1870.

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## A N A C T

### *In relation to the public domain.*

*Be it enacted by the National Council,* That at each and every station along the line of any railroad passing through the lands of the Cherokee Nation, there shall be reserved to the Cherokee Nation, one mile square, to include such station in such manner as may be deemed advisable by the commissioners hereafter authorized, and said tract shall be laid out into town lots and sold at public sale to the highest bidder, who shall be a citizen of the Cherokee Nation, and who shall thereby acquire the same rights, and none other than those of use and occupancy, in the same way and to the same extent as conferred by law upon purchasers of lots in the towns of Fort Gibson and Tahlequah: Provided, that this act shall not be so construed as to interfere with any of the mineral resources of the public domain, or laws of the Cherokee Nation in relation thereto.

*And be it further enacted,* That the Principal Chief be, and he is hereby authorized to appoint three commissioners, whose duty it shall be to locate and survey said town sites, and sell the lots thereof, or such number of lots as may be deemed advisable, as hereinbefore specified, and report to the Principal Chief, of the locations, surveys, and sales of lots, receipts and expenditures, on the first day of October of each year.

*And be it further enacted,* That the sales, payments and conditions of title be the same as provided for by law in the sales of lots in the town of Fort Gibson.

*And be it further enacted,* That no claim to any place in the Cherokee Nation shall be valid under this act, or



ons, teams, &c., under the penalty of being reported to the United States Cherokee Agent, or to the United States District for having violated the treaties between the Cherokee Nation and the United States, and the laws of the United States Congress, "regulating trade and intercourse with the Indian tribes, and to preserve peace on the frontier."

*Be it further enacted,* That the rates of charge for passing through said gate and crossing said river at the "Chambers' Ford" shall be as follows, viz:

- For loose stock of any kind, per head . . . . . 1 cent.
- " horse and rider . . . . . 10 cents.
- " single wagon, or other vehicle and team . . 50 cents.
- " single individual . . . . . 5 cents.

*Be it further enacted,* That the said Chambers be, and he is hereby required to make, on oath, to the National Council, at its regular term in each year, a full report of the amount of funds received by him for the current year on account of said gate, and to pay at the same time in cash, to the National Treasurer, for the benefit of the Nation, three (3) per centum of said amount, so received.

*Be it further enacted,* That this act shall not apply to citizens of this Nation, and shall take effect from and after its passage.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TALLEGUAH, C. N., December 14th, 1870,

AN ACT

*Empowering the Delegation to represent the Cherokee Nation before the government of the United States.*

Whereas, Samuel Smith, W. P. Adair, Clement N. Vann, and George W. Scaper, have been duly appointed and constituted a Delegation to represent the Cherokee Nation before the government of the United States, for the purpose of transacting therewith, such business of a public character, as may be entrusted to their care; Therefore,

*Be it enacted by the National Council,* That the before named Samuel Smith, W. P. Adair, Clement N. Vann, and George W. Scraper, be, and they are hereby appointed and constituted a Delegation to proceed to Washington City, for the purpose and with the authority of representing the Cherokee Nation before the government of the United States.

*Be it further enacted,* That the said Delegation be invested with full and complete powers to adjust by treaty or otherwise, all questions involving the interests of the Cherokee Nation, existing by treaty, or growing out of their relations with the United States, excepting only, that the said Delegation shall have no power or authority whatever to limit, cede, or dispose of any part of the domain of the Cherokee Nation, east of  $96^{\circ}$  west longitude, and south of  $37^{\circ}$  north latitude, nor to admit or incorporate without the approval of the National Council, any Indians within the limits of the Cherokee Nation east of  $96^{\circ}$  west longitude, nor invest any of the funds and securities of the Nation, or make any grant of lands to any railroad company, or corporation outside of this Nation and independent of its authority and jurisdiction, which may desire or have authority by the treaty of 1866, to construct a railroad through the Cherokee Nation.

*Be it further enacted,* That the said Delegation shall also ask the aid and co-operation of the government in the establishment of an Industrial School within the limits of this Nation for the education of all orphan children, who may belong to the Cherokee Nation, and for this purpose they are authorized to set apart the sum of one hundred thousand dollars, out of the proceeds of sales of lands belonging to the Cherokee Nation, west of  $96^{\circ}$  west longitude, and also to set apart the further sum of fifty thousand dollars to found a home for indigent, blind, insane, and aged persons, to be applied in such way as the National Council may hereafter direct.

*Be it further enacted,* That the said Delegation be, and they are hereby authorized to employ such Attorneys as they may deem necessary to aid in the transac-

tion of their business, not to exceed three (3) in number, and authorize Hon. Richard Fields, Special Agent, under the 22d Article of the treaty of 1866, in Washington, to memorialize Congress to make an appropriation covering the amount of indebtedness of the government to the Cherokee Nation, as determined and expressed by him, in his report of October 17th, 1870, to the Cherokee Delegation and the National Council.

*Be it further enacted,* That the said Delegation be instructed to urge the United States government to transmit through the Cherokee Agent, to such North Carolina Cherokees as have removed themselves west to the Cherokee Nation, their transportation and subsistence funds, due them under the treaty of 1835-6, and the Act of Congress of 1843; and the said Delegation is further instructed to attend to such business for the Delaware Cherokees, as may be by them intrusted to their care, and which shall not conflict with the general interest of the Cherokee Nation, or people; Provided, that said transportation and subsistence of the said North Carolina Cherokees, nor any part thereof, shall be paid out, or chargeable against, any funds of the Cherokee Nation or people, whether invested or otherwise, due the Cherokees.

*Be it further enacted,* That the Principal Chief be authorized to fill any vacancy that may occur in said Delegation.

*Be it further enacted,* That the said Delegation are also authorized and empowered to give the ratification of the National Council to the agreement entered into between W. P. Adair and H. D. Reese, on behalf of the Cherokee Nation, and on behalf of the Shawnees, into the Cherokee Nation as citizens thereof, east of 96° west longitude.

*Be it further enacted,* That the said Delegation in disposing of the lands of the Cherokee Nation west of longitude 96°, for the purposes authorized by the treaty of 1866, are instructed to insist upon the retention by the Nation of the gypsum and mineral resources of said lands, and to provide for the extension of the western

boundary of the Cherokee *Reserved Lands*, so as to include east of said boundary all Cherokees and recognized citizens of the Cherokee Nation, and in case said extension shall not be agreed to by the government, then to provide for the indemnity to said persons as may live and own farms and improvements west of said line.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., December 14th, 1870.

## AN ACT

*In regard to the East and West Railway Company that may be authorized to construct the East and West Railroad through the Cherokee Nation.*

Whereas the Hon. Thomas C. Fletcher, a duly authorized agent for the Atlantic and Pacific Railway Company, has made application in behalf of said Company, to construct its line of road from the east to the west, through the Cherokee Nation, and in so doing to be allowed the same privileges granted by Act of the National Council, entitled, "An Act respecting the furnishing of railroad ties and other material to the Missouri, Kansas and Texas Railroad Company," to the said Missouri, Kansas and Texas Railway Company, in constructing the north and south road through this Nation. And, whereas, the Hon. Secretary of the Interior did on the 21st day of May, 1870, decide that but one railroad could be constructed from the north to the south, and one from the east to the west, through the Cherokee Nation, under the treaty of 1866 between the Cherokee Nation and the United States, and which decision was approved by the President of the United States, on the 23d day of May, 1870: And, whereas, the Hon. Attorney General of the United States has decided under date of July 21st, 1870, and which said decision has been approved by the President of the United States, that the said Missouri, Kansas and Texas

Railway Company had the privilege of constructing the north and south road provided for through the Cherokee Nation, under the said treaty of 1865. And,

Whereas, the Hon. Secretary of the Interior in carrying out said decisions, has exacted from and had filed by the said Missouri, Kansas and Texas Railway Company, a bond of five hundred thousand dollars (\$500,000) under date of August 10th, 1870, and conditioned upon a strict regard by said company, of all the rights of the Cherokee Nation, and all its citizens, while constructing and operating its said line of road: And, whereas, the said Missouri, Kansas and Texas Railway Company has applied for the privilege of purchasing building material in constructing and operating its said line of road and has been granted the same: Therefore,

*Be it enacted by the National Council,* That any railway company or corporation that may be duly authorized to construct the east and west road through the Cherokee Nation, provided by the treaty of 1865, by the same authority that has authorized the said Missouri, Kansas and Texas Railway Company to construct the north and south road through the Cherokee Nation, shall be entitled to the same privileges and benefits granted by the National Council to the said Missouri, Kansas and Texas Railway Company, under an Act entitled, "An Act respecting the furnishing of railroad material and other material to the said Missouri, Kansas and Texas Railway Company." Provided, that this act shall not take effect until such east and west road, so authorized, shall have reached the eastern boundary line of this Nation; nor, until the said east and west railway company shall have filed in the Interior Department, a bond for at least five hundred thousand dollars (\$500,000) conditioned upon the faithful observance by said company of all the rights of the Cherokee Nation and people, in constructing and operating its line of road through the Cherokee Nation: And, provided further, That this Act shall not be so construed as to authorize more than one through the Cherokee Nation from the east to the west, nor from the north to the south, nor to

prevent the Cherokee Nation from creating corporations of its own to build and operate railroads in the Cherokee Nation.

Approved,

LEWIS DOWNING,  
*Principal Chief.*

TAHLEQUAH, C. N., December 15th, 1870.

### JOINT RESOLUTION

*Inviting the Principal Chief to accompany the Cherokee Delegation to Washington.*

*Resolved by the National Council:* That the Principal Chief be, and he is hereby requested to accompany the Cherokee Delegation, approved by recent act of the National Council, to visit the city of Washington, in order to assist them in the discharge of their official duties, and the sum of one thousand two hundred dollars is hereby appropriated out of any money belonging to the general fund, not otherwise appropriated, for the use and benefit of the Principal Chief, who is authorized to draw a warrant accordingly.

Approved,

LEWIS DOWNING,  
*Principal Chief.*

TAHLEQUAH, C. N., December 15th, 1870.

### AN ACT

*To appropriate the sum of one hundred dollars to defray the expense of the commissioners to treat with the Osage and Kansas tribes of Indians.*

*Be it enacted by the National Council.* That the sum of one hundred dollars be, and the same is hereby appropriated out of any money in the National Treasury, not otherwise appropriated, for the use and benefit of the commissioners appointed to attend the Osage council, twenty dollars (§20) each. And the Principal Chief is hereby authorized to draw warrants accordingly.

Approved,

LEWIS DOWNING,  
*Principal Chief.*

TAHLEQUAH, C. N., December 15th, 1870.

## A N A C T

*In regard to estray property.*

*Be it enacted by the National Council,* That the "Act in regard to stray property" be, and the same is hereby so amended that the sheriffs of the several districts instead of posting "stray property" by written notices and descriptions of the same, throughout the district, shall be, and are required to furnish such notices and descriptions in full by mail, to the editor of the Cherokee Advocate to be advertised in said journal, and the respective sheriffs of the several Districts shall forward such notices and descriptions with the time and place of sale, at least three months and a half previous to said sale, and the same shall be advertised briefly and plainly as soon as received, and shall continue as advertisements until the issue preceeding the day of sale. And should any stray property be identified by the owner, either before or after the sale of the same, according to the provisions of the stray law now in force, the cost of advertising shall be paid by such owners at the rates already fixed in said law, and the sheriff is required to collect or retain, as the case may be, the amounts due for such advertisements for national benefit, and account for the same in his report.

Approved,

LEWIS DOWNING,  
*Principal Chief.*

TAHLEQUAH, C. N., December 15th, 1870.

## A N A C T

*Authorizing Samuel Beck to establish a turnpike gate on the road leading from Maysville, Arkansas, to Fort Gibson, Cherokee Nation.*

*Be it enacted by the National Council,* That Samuel Beck be, and he is hereby privileged, for the benefit of the traveling community to establish a turnpike or toll gate, on the dividing ridge between the Moravian mission and McCoy's prairie, on the main road leading from Maysville, Arkansas, *via* Tahlequah, to Fort Gibson, Cherokee Nation; Provided, that he, (the said Beck)

will put and keep in good traveling order, the said road from Maysville to Fort Gibson.

*Be it further enacted,* That the rates of charges for passing through said gate shall be as follows:

For every wagon or other vehicle and team	50 cents.
“ “ horse and rider	10 cents.
“ “ single footman	5 cents.
“ loose stock of any kind	1 cent.

And the said charges shall not be exacted from citizens of this Nation.

*Be it further enacted,* That the said Samuel Beck be, and he is hereby required to furnish, on oath, a written report to the National Council in each year, of the amount of funds taken in by him during the year, on account of said gate, and to pay three (3) per centum of the same to the National Treasurer in cash, for the benefit of this Nation.

*Be it further enacted,* That it shall not be lawful for any person to establish a toll gate within ten (10) miles of the one herein provided for, without the consent of said Beck, under penalty of forfeiting the same to him.

*Be it further enacted,* That no travelers not citizens of the Cherokee Nation, shall be permitted either with or without stock, in traveling said road, to pass the said gate, within two miles of the same, without paying the charges herein provided for to be paid by persons passing through said gate. Any citizen of the United States who shall violate this Act, may be reported to the United States Cherokee Agent, under the treaties between the Cherokee Nation and the United States, and the laws of the same “Regulating trade and intercourse with the Indian tribes.”

*Be it further enacted,* That this Act shall not be so construed as to apply to citizens of the Cherokee Nation.

*Be it further enacted,* That should the said Beck fail to keep the said road in order as provided by this Act, he shall forfeit the privileges herein granted.

Approved,

LEWIS DOWNING.

*Principal Chief.*

TAHLEQUAH, C. N., December 15th, 1870.

## A N A C T

*Providing for the purchase of more Cherokee Type and other material.*

*Be it enacted by the National Council,* That the Principal Chief be, and he is hereby authorized to procure such sorts of type as may be necessary to fill out and make available the large quantity of surplus Cherokee type now in the National Printing Office; also, that he be authorized to purchase such paper and other material as may be necessary for the printing of the laws, treaties, and school books which are or may be authorized by the Council; also, that the Principal Chief be, and he is authorized to procure such implements and material as may be necessary to have said books substantially bound, and that he also be authorized to employ such printer, or printers, and book-binder, as may be necessary to do the printing and binding of such books; and that he be authorized to employ a translator to translate that portion of the laws not already translated.

*Be it further enacted,* That the expense of publishing the school books above named, shall be defrayed from the school fund, and the expense of publishing the other books named, shall be defrayed from the general fund, and the Principal Chief is hereby authorized to draw warrants accordingly, to cover the expenses herein provided, in such amounts as he may find correct and necessary.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., December 15th, 1870.

## A N A C T

*In relation to schools and orphans.*

*Be it enacted by the National Council,* That in addition to the duties now devolving upon the Superintendent of Public Schools, it shall be his duty to fur-

nish plans and specifications for school houses, and such school furniture as shall be provided by neighborhoods in which schools may be located; to prescribe uniform text books and suitable apparatus; to remove or change teachers; to remove and re-locate within the same district, schools not supported according to law, and to exercise a general supervision over the public schools of this Nation.

*Be it further enacted,* That the Superintendent shall cause to be classified, the teachers of the public schools, strictly according to their respective qualifications, as evidenced by certificates of the examining board for teachers, into first, second, and third classes, and shall cause to be issued certificates accordingly. The pay of a first class teacher shall be five hundred (\$500) dollars per year of ten months; that of a second class teacher shall be four hundred (\$400) dollars per school year; and that of a third rate teacher, three hundred (\$300) dollars per school year.

It shall be the duty of the Superintendent of Schools to observe strictly the distinction between said classes of teachers, and to give no applicant as school teacher a higher class certificate than his or her qualifications will warrant.

No school shall be removed that shall average a daily attendance of sixteen (16) students.

For all schools averaging per day sixteen (16) to twenty (20) students, a third class teacher.

For all schools averaging per day from twenty (20) to twenty-five (25) students, a second class teacher.

For all schools averaging per day from twenty-five (25) to forty (40) students, a first class teacher.

*Be it further enacted,* That from and after the present school terms, the following schools shall be continued or established, to wit:

*Illinois District.*

At Prairie Grove, Vian, Sweet Springs, White Oak, Fort Gibson, and one colored school at Four Mile Branch, and one established at or near William Greens.

*Canadian District.*

At Webber's Falls, Castalia, Texanna, Black Jack Grove, and one established at or near Mr. Nevin's.

*Tahlequah District.*

At Caney, Woodalls', Pleasant Valley, Boots' Chapel, Eureka, Moses Tic-a-nee-sky, at or near Spirit Sequoyah's, one colored school at Grant's, and one Cherokee school at Tahlequah.

*Flint District.*

At Antioch, Round Spring, Muddy Spring, Court House, and Honey Hill.

*Delaware District.*

At Contention, J. A. Thompson's, Beattie's Prairie, New Town, Honey Creek, Sequoyah, Delaware, Arch Ballard's, and Dick O. Fields'.

*Coo-wi-scoo-wi District.*

At West Point, Miller's, Mrs. Rider's, Silver Lake, at or near Going Bryan's, at or near John Fallins', at or near Judge Rogers'.

*Going Snake District.*

At Pea Vine, Whitmire's, one at or near Robert Williams', one at or near Wellington Shirley's, Oak Grove, Tiner's, and Baptist Mission.

*Saline District.*

At Requah, Cedar Bluff, Arcadia, Saline Creek, Spring Creek, near Ezekiel Black Fox's old place, one near Ed. Crutchfield's, and one colored school at or near J. M. Lynch's old place.

*Sequoyah District.*

At Ellis Sanders', Bethel, Zion, Seabolt, and Quincy.

*Be it further enacted,* That from and after the passage of this Act, the salary of the Superintendent of Public Schools shall be seven hundred (\$700) dollars per annum.

*Be it further enacted,* That the sum of twenty-five thousand and seven hundred (\$25,700) dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated, out of any funds belonging to the school fund, not otherwise appropriated, to be applied for the years 1870-1, as follows:

For salaries of teachers . . . . .	\$23,000 00
“ salary of Superintendent . . . . .	700 00
“ purchase of books . . . . .	2,000 00

And the Principal Chief is authorized to draw warrants accordingly.

*Be it further enacted,* That the sum of seven thousand two hundred (\$7,200) dollars, be, and the same is hereby appropriated for the years 1870-1, out of any funds belonging to the orphan fund, not otherwise appropriated, for the support of the orphan children attending the public schools, allowing four (4) orphans to each school, and the Principal Chief is hereby authorized to draw warrants for the same.

ARCH SCRAPER, *President of Senate.*

JOHN L. ADAIR, *Clerk of Senate.* pro tem.

TAHLEQUAH, C. N., December 16th, 1870.

Concurred in with the following amendment, viz.:

Strike out so much of the bill as authorizes the Superintendent to remove schools.

JUMPER MILLS, *Speaker of Council.*

STEPHEN FOREMAN, *Clerk of Council.*

Amendment concurred in.

ARCH SCRAPER, *President of Senate.*

JOHN L. ADAIR, *Clerk of Senate,* pro tem.

Approved,

LEWIS DOWNING,  
*Principal Chief.*

## A N A C T

*In relation to the General Indian Council, and instructing the members of the same representing the Cherokee Nation.*

Whereas, the Principal Chief has laid before the National Council a communication respecting a plan in contemplation by the General Indian Council, now in session at Ok-mul-gee, Creek Nation, under the treaty of 1866, to establish a "permanent form of government for the Indian Territory," and in that connection has asked for an expression of the National Council on that important subject, with instructions to the representatives or members of said General Council, representing the Cherokee people and their interests, Therefore,

*Be it enacted by the National Council,* That it is the sense of the National Council as respecting the interests and wishes of the Cherokee people, that it is unwise and impolitic to encourage, or make any change in the existing government of the Cherokee Nation, or to depart in any respect, or under any circumstances from the treaty obligations existing between the Cherokee Nation and the United States, and that no change in said treaties can be made except by the treaty-making power of the United States, with the approval of the Cherokee Nation, or its proper authority, acting under specific powers delegated by the National Council: That the General Indian Council derives its authority and powers from treaty stipulations only with the United States, and that the Cherokee treaty of 1866, in providing for said General Council, limits its powers, and selects or points out the specific subjects upon which it may legislate, and forbids legislation on any others, and makes no provision whereby it may establish any other or new government over the so called Indian Territory, whether "permanent," or otherwise, or even to enlarge its powers or jurisdiction, but that on the other hand, the jurisdiction and powers of said General Council can only be enlarged or extended by the action and consent of the respective National Councils of the

Indian Nations or tribes represented in the same, with the approval of the President of the United States, according to the 12th Article of the Cherokee treaty of 1866, which provides as follows:

“Provided, however, that the legislative power of said General Council may be enlarged by consent of the National Council of each Nation or tribe assenting to its establishment, with the approval of the President of the United States.”

The National Council of the Cherokee Nation is not in favor of breaking down the long established Cherokee government for the sake of trying the experiment of a new one, nor does it recommend or wish the legislation of said General Council to take the place of treaties between the Cherokees and the United States, or to impair the same in any respect. The treaties between the Cherokees and the United States, are regarded as the strongest safeguards, to the Cherokees, pledging the public faith of the government of the United States for their protection. The National Council feel that should they surrender those treaties and thereby put the destiny of the Cherokee people alone upon the rapine of any legislative body, it would be untrue to the trust reposed in it by the Cherokee people. The National Council is in favor of the said General Council and of its legislation as prescribed by the 12th Article of the treaty of 1866, and particularly of that part of the said Article as requires the General Council to legislate for the “*common defence and safety of the Nations*” represented in it. *Why should the Cherokees desire any change in their Government?* They understand it well. It is modelled after that of the government of the United States, and modified to suit the condition of the Cherokees. Under it as protected by the treaties with the United States, the Cherokees have prospered for two generations in a degree that has scarcely a parallel in history. Free schools and the means of a liberal education are within the reach of every one of the Cherokee Nation. Churches are abundant, and Christianity is proclaimed throughout the land. The arts and sciences

of civilized life are in a high state of culture; wholesome laws are made and faithfully executed; peace and good order reign supreme among the Cherokees, whilst their relations with the United States and its citizens are of the most peaceful and pleasant character.

The National Council is averse to breaking up this happy state of affairs, and inaugurating a new one, without any necessity to do so, as such a course might plunge the Cherokee people into ruin and destruction. If the Cherokee Nation is to be destroyed, let not the Cherokees do the wicked work.

*Be it further enacted,* That the representatives of the Cherokee Nation to the said General Council, be, and they are hereby instructed in the discharge of their duties, as follows:

To observe with strict fidelity the treaties between the United States and the Cherokee Nation, and not to depart in any manner from the same.

To protest against any enlargement of the powers of the legislation of the General Council, except in accordance with the 12th Article of the Cherokee treaty of 1866, and in that connection to protest against the authority of said Council to establish any other government for the nations in the Indian Territory than the one established by treaty, to wit; the said General Council already established.

To protest against the establishment of any territorial government over the Indian Territory by the said General Council or by the Congress of the United States.

To legislate strictly upon the subjects pointed out by the 12th Article of the treaty of 1866, for the legislation of said Council.

And the Principal Chief is requested to transmit at his earliest convenience to the members of the said General Council representing the Cherokee [Nation], a copy of this Act duly authenticated.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., December 16th, 1870.

## A N A C T

*To pay the claim of D. H. Ross.*

*Be it enacted by the National Council,* That the following sums in favor of D. H. Ross, be, and the same are hereby appropriated out of the \$150,000 fund, under the treaty of 1866, for the benefit of the said D. H. Ross, viz:

Cash advanced Col. W. A. Phillips, attorney in 1866.....	\$ 700 00
Cash paid by D. H. Ross in defraying expenses of Delegation home.....	752 00
Services as Delegate in 1864-5.....	248 00
	<hr/>
	\$ 1700 00

And the Principal Chief is hereby authorized to draw his warrant accordingly, to be paid by the Secretary of the Interior in Washington, out of any funds belonging to the one hundred and fifty thousand dollar fund, provided by the 25th Article of the Cherokee treaty of 1866.

Approved,

LEWIS DOWNING,  
*Principal Chief.*

TAHLEQUAH, C. N., December 17th, 1870.

## A N A C T

*Authorizing the Delegation to employ special counsel in the case of E. C. Boudinot and other Cherokee Citizens before the Supreme Court of the United States, charged with the violation of the United States Revenue laws, in manufacturing tobacco in the Cherokee Nation.*

Whereas, there appears to be a case before the Supreme Court of the United States, *vs.* E. C. Boudinot and others, citizens of the Cherokee Nation, charged with the violation of the United States Revenue laws, in the manufacturing and trading in tobacco in the Cherokee Nation; and, whereas the case necessarily in-

volves great principles of international law and rights of sovereign nationality, vital to the interests and security of the Cherokee Nation and people, Therefore,

*Be it enacted by the National Council,* That the Delegation appointed by recent Act of the National Council, to visit the city of Washington on business for the Cherokee Nation and people, be, and they are hereby authorized to employ special counsel in the said case of E. C. Boudinot and other Cherokee citizens.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., December 17th, 1870.

## A N A C T

*To amend "An Act to establish a National newspaper.*

*Be it enacted by the National Council,* That the "Act to establish a National newspaper," be so amended that from and after the passage of this Act, the pay of the editor and translator of the Cherokee Advocate, shall be quarterly, and their warrants, together with all others authorized to be drawn upon the general fund in payment of expenses of publishing said newspaper, including the warrants of printers, shall be promptly paid without regard to date, out of any money in the National Treasury, belonging to the general fund.

*Be it further enacted,* That the sum of five hundred (\$500) dollars is hereby appropriated to defray the incidental expenses of said office for the ensuing year. The editor is required to furnish the Principal Chief with an exhibit of such probable expense, and if by him approved, the Principal Chief is authorized to draw a warrant to the amount of such expense for prompt payment, as above provided; the editor shall account for the disposition made of said contingent fund, with vouchers of all expenditures to the next National Council.

*Be it further enacted,* That the salary of the editor and translator be, and the same is hereby increased three hundred dollars each.

*Be it further enacted,* That the editor and translator of said paper shall be required to fill at least one page of the same at every issue in reading matter in the Cherokee language, and the terms of subscription to those who read alone in the Cherokee language, shall be fifty cents per annum, payable in money or national scrip.

This Act to take effect from and after its passage.

Approved,

LEWIS DOWNING,

*Principal Chief.*

TAHLEQUAH, C. N., December 17th, 1870.

## A N A C T

*To re-admit to citizenship the persons therein named.*

*Be it enacted by the National Council,* That the following named persons be admitted to the enjoyment of the rights and privileges of citizenship in the Cherokee Nation, to-wit:

E. Jane Edwards, Cherokee,  
 John B. Edwards, her husband, white,  
 Herbert Thompson, Cherokee,  
 E. J. Hensley, children and husband,  
 Mary E. Nully and husband,  
 George Bible,  
 Lewis Bible,  
 William Bible,  
 Susan J. Perry, children and husband,  
 Harriet B. Quisenbury, children and husband,  
 John C. Wheeler, children and wife,  
 William Wheeler, children and wife,  
 Sarah P. Wheeler,  
 Jesse Bright,  
 Mary Bright,  
 Caroline E. Howell, and children,  
 Mary Jane Porter, and children,  
 Mary E. Hall, formerly Mary E. Davis,  
 Sabra Clark, formerly Sabra England,  
 Elizabeth J. Cowan,  
 Jane Christie, and children,

Mrs. Rebecca Haggerty, and family, consisting of  
 Mrs. Louisa M. Scott, daughter,  
 Rebecca S. Scott, grand daughter,  
 Fannie Scott, grand daughter,  
 John B. Scott, grand-son,  
 William Scott, grand-son,  
 Fanny Haggerty, daughter,  
 Spice M. Haggerty, son,  
 Fannie L. McFarland, grand-daughter,  
 Samuel McFarland, grand-son,  
 Mrs. Delila Drew, and family, consisting of  
 Martha A. Scott, daughter,  
 James N. Scott, son-in-law, white,  
 George W. Scott, grand-son,  
 Spice H. Scott, grand-son.  
 Thomas H. Scott, grand-son,  
 W. B. Rogers, son-in-law, white,  
 Kate D. Rogers, daughter,  
 Jessie Drew, daughter,  
 Mrs. Peggy Bungarner,  
 Maud Bungarner, daughter,  
 — Bungarner, son,  
 Elizabeth Ridge,  
 Alice B. Beatty,  
 Aeneas Ridge,  
 Andrew J. Ridge, wife and five children,  
 Nancy Dial, and husband, Martin Dial,  
 Nathaniel and Rebecca Dial, children,  
 Catharine Blair, and husband,  
 John Priest,  
 Madonia Priest,  
 Sarah A. Welch,  
 John C. Welch,  
 Albert Harlin,  
 Anu A. Welch,

Provided that no rights or privileges conferred by  
 this Act shall accrue to any of the individuals before  
 named, until they shall have settled within the limits  
 of this Nation and become *bona fide* residents thereof.

ELI SMITH, *President Senate*, pro tem.

JOHN L. ADAIR, *Clerk Senate*, pro tem.

TAHLEQUAH, C. N., December 12th, 1870.

Concurred in with the following amendment.

This Act shall not go into effect so far as relates to white men, until they shall have complied with the laws of this Nation governing intermarriage of white men with Cherokee women.

JUMPER MILLS, *Speaker of Council*.

STEPHEN FOREMAN, *Clerk of Council*.

December 13, 1870.

Amendment concurred in.

ARCH SCRAPER, *President Senate*,

JOHN L. ADAIR, *Clerk Senate*, pro tem.

Approved,

LEWIS DOWNING,

*Principal Chief.*

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