

ORDINANCES

—OF THE—

TOWN OF TAHLEQUAH

INSTITUTED BY THE

TOWN**COUNCIL*,

AND ORDERED TO BE

Compiled and Printed

—FOR—

General Information, 1890.

TAHLEQUAH
TELEPHONE PRINT,
1890.

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The Town of Tahlequah.

The first Council Ground or meeting place of the Cherokee Legislature West—called by the Cherokees, their National Council—was the place where the Town of Tahlequah now stands. In 1846 an Act was passed by the National Council to “Lay off the Tahlequah Council ground into town lots and to dispose of the same.” The title to all of the Cherokee country is vested in the Cherokee Nation or people as a whole, and in disposing of town lots in Tahlequah, or in any other town within the Cherokee “Nation,” the title conveyed by the government of the Nation to the individual is not the same kind conveyed by the United States to the Cherokee Nation—namely, a title by “patent” or “in fee”—but a title or right of occupancy, which right of occupancy is, however, assured to the individual purchaser as one that should vest and remain in him and his heirs “forever.”

As “laid off” or surveyed, the Town of Tahlequah embraces one hundred and sixty acres, including several squares or blocks reserved for public use. A beautiful creek or “branch,” flows along the eastern line of the town from north to south, abundantly fed by springs of

the purest water. In other respects the site is very pleasant and healthful. All of the originally allotted space is now occupied under purchases of lots by citizens of the Nation, and as much more space in the immediate vicinity is held by other citizens under the common occupant title which is held throughout the Nation. The actual town is now at least double the size of the surveyed tract.

But not until last year was it found necessary to incorporate the Town of Tahlequah. Before then, the Clerk of the District and the High Sheriff of the Nation were the guardians of the town peace.

Tahlequah is the Capital of the Cherokee Nation. It has two high schools, two primary schools, two Missionary schools or stations, a score of trading houses, several hotels, a handsome opera house built by the Free Masons, a Capital building, &c. Population, (estimated)—2,000.

TOWN OFFICERS—1890.

MAYOR, - - - - G. W. Hughes.

TOWN COUNCIL—

J. S. Stapler.

E. C. Boudinot, jr.

T. J. Adair.

B. W. Foreman.

James McSpadden.

TOWN CLERK, - - - - H. C. Barnes.

CONSTABLE, - - - James Nakedhead.

DEPT. CONSTABLE, - - - George Roach.

TREASURER, - - - - T. J. Adair.

ASSESSOR AND COLLECTOR OF TAXES, - R. L. Fite.

HIGH SHERIFF (and *Ex-Officio* Ex. Officer), Cale Starr.

AUTHORIZING THE COMPILATION OF TOWN ORDINANCES.

Be it Ordained By the Town Council of the Town of Tahlequah, That E. C. Boudinot Jr. and W. P. Boudinot, are hereby authorized to revise, compile and superintend the publication of the ordinances of this town.

[Attest:]

G. HUGHES, Mayor.

H. C. BARNES, Clerk.

APPROVING COMPILATION OF TOWN ORDINANCES.

WHEREAS, By an Act of the National Council approved on the 27th day of November, 1873, the Town of Fort Gibson was incorporated under certain conditions and reg-



ulations specified in said Act, and on the 20th day of December, 1889, the Town of Tahlequah was also incorporated under the same general conditions, not inoperative, but which conditions and regulations were only referred to in the last mentioned Act without a repetition of the same;

Therefore, In order to give to all persons concerned accurate and timely information of the said rules and regulations, and of the ordinances of this town made in pursuance thereto, and for the due accomplishment of the purposes of both the said Act of Council and the ordinances of this town—

Be it Ordained by the Town Council of the Town of Tahlequah, That the Act of the National Council incorporating the Town of Tahlequah as compiled in a single Act from the provisions of several Acts of Council to which the said Act of Incorporation alludes, together with the ordinances of this town, as revised, compiled and prepared for publication by order of this Council—fifty-nine in number, including this ordinance—be, and the same are hereby approved and ordained, in their present revised and arranged condition and form, to be the rules, regulations and ordinances of the Town of Tahlequah for the government thereof, excepting such of said ordinances as are penal in their meaning and design, and, as such, required by treaty to be promulgated ninety days before becoming of force. The said penal ordinances shall be promulgated accordingly; after which, the ordinances, suspended for that purpose, shall go into full force and effect with the the remainder of said compilation as the ~~ordained~~ regulations of this town. Un-

til such promulgation shall be duly completed all penal ordinances, now in force and effect, and being executed, shall remain in force and continue to be executed in their first and original form as passed by the Town Council.

All ordinances or parts of ordinances inconsistent with or conflicting with the provisions of this ordinance are hereby repealed. This June 13, 1890.

[Attest:]

G. W. HUGHES, Mayor.

H. C. BARNE, Clerks.

AN ACT

Of the National Council entitled An Act Incorporating the Town of Tahlequah—(Compiled from the Acts of the National Council incorporating the Towns of Fort Gibson, Downingville (or Vinita) and Tahlequah, so far as the provisions of the said Acts relate to the Town of Tahlequah:)

Be it enacted by the National Council, That the Town Reservation of Tahlequah, as defined by law, and the country adjacent thereto, for a distance not to exceed one mile from the boundary thereof, for the purposes of this Act, are hereby declared to be within the corporate limits of the Town of Tahlequah, and the inhabitants, citizens of the Cherokee Nation, residing within the limits of said town, be and are hereby constituted a body politic and corporate, by the name of the "Mayor and Town Council of the Town of Tahlequah," by which name they and their successors may sue and be sued, defend and be defended in all courts of

law in all matters and actions whatsoever, and may grant, purchase and receive and hold property of any description within the limits proper of said town, and may have, sell and dispose of the same as natural persons, not contrary to the Constitution of the Cherokee Nation.

SEC. 2. The corporate powers and duties of said town shall invest in one Mayor and five members of the Council to be selected annually on the first Monday in December of each year, and to continue in office till their successors are elected and qualified according to this Act; and the said Mayor and members of Council shall take an oath before entering into office to faithfully discharge their duties, and all qualified electors of the Cherokee Nation, residing within the corporate limits of said Town of Tahlequah, shall be entitled to vote in the election of the Mayor and Council, and a majority of the votes thus cast at an election shall be necessary to a choice of such officers, and no person shall be chosen Mayor or member of the Council of the Town of Tahlequah who shall not be of lawful age and an inhabitant of said town. The Mayor, or such member of the Council as may be designated as such in the absence of the Mayor, shall preside at the meetings of the Town Council, which shall be regulated by ordinance. He shall be the Executive power of the said Town of Tahlequah and conservator of the peace within the corporate limits thereof, and shall have full power and authority to do and perform all things which may be lawfully done by a Judge of the District in criminal matters, in accordance with the powers and authority herein conferred upon him.

SEC. 3. He shall be vested with full powers to enforce all ordinances passed by the Council and approved by the Mayor, (or by the unanimous vote thereof in case of his failure to approve the same within three days after the passage thereof and its presentation to him) to assess all fines for a violation of said ordinances, not exceeding the sum of fifty dollars, and to issue executions for the collection of the same. In case of murder the Mayor may cause the arrest of the perpetrator, and cause him to be turned over to the Sheriff of the District for trial by any Court having jurisdiction thereof, but in all other offenses, misdemeanors and crimes, the Mayor and Town Council may have authority to arraign, hear, and punish the same as may be prescribed by the laws of the Cherokee Nation or the ordinances of said town:

Provided, That they shall not have the power to inflict, without trial by jury, punishment by stripes, or restrain a person of liberty longer than two months. The said Mayor and Town Council shall also have jurisdiction in determining the rights to property, or the collection of debts, where the amount involved shall not exceed twenty-five dollars.

SEC. 4. Any three members of the Town Council shall constitute a quorum to transact business, but a less number may adjourn from time to time, and compel the attendance of absent members, in such manner as the Council may prescribe. The members of the Town Council shall judge of the election, qualifications and returns of the Mayor and their own members, and determine rules

for their own proceedings which shall be recorded by the Clerk of the Town Council in a journal to be kept for that purpose.

SEC. 5. The Town Council of Tahlequah shall have full power and authority to pass bye-laws and ordinances to prevent, define and remove nuisances, to restrain and prohibit all disorderly houses and gaming, the introduction and vending of intoxicating drinks, to establish and regulate a market, to cause the streets to be opened, repaired and paved by the inhabitants and non-resident owners of houses, lots, and other property in said town—*provided*, the tax imposed on non-residents for said purposes be in exact proportion to an *ad valorem* tax imposed on all property belonging to residents in and situated within the corporate limits of said Town of Tahlequah; to provide for the prevention and extinguishment of fires, to dig wells and erect pumps for the convenience of the inhabitants; to restrain all violence, obscenity, and disorderly conduct within the limits of the town; to assess and collect fines for a violation of the ordinances, and to collect a tax for defraying the expenses of the town, and the improvements thereof; and, generally to pass such by-laws and ordinances for the regulation of the town as they may deem necessary, not contrary to the provisions of this Act or the Constitution of the Cherokee Nation. No tax shall be imposed by the Town Council of Tahlequah, any one year, on property within the town at a higher rate than one half of one per centum on the assessment value of the same, unless two-thirds of the persons therein interested

shall, by vote taken for that purpose, authorize the same to be done.

SEC. 6. In order to carry into effect the provisions of this Act, the Town Council of Tahlequah shall have authority to provide by ordinance for the appointment or election of one clerk, one constable, one assessor and collector of taxes, and such other officers as may be necessary; prescribe their duties, fix their compensation, and remove them from office. It shall also have authority to select, lay off, enclose, hold and regulate, by purchase or otherwise, twenty acres as a cemetery for the burial of the dead, and may prohibit the burial of such bodies within the corporate limits of the town. The Clerk of the Town Council shall attend the Mayor's Courts, issue all writs and summonses, and other necessary papers, keep a true, full and correct record of all arrests and trials, and of all town lots and ownership of the same.

SEC. 7. Writs for the arrest of persons charged with a violation of the town ordinances may be served by any sheriff into whose district the person accused may have fled; and such sheriff, so arresting, shall safely deliver the prisoner to the constable of the town to be dealt with according to the ordinances of the same.

(See Chapter 12, Article 4, Sections 18, 19, 20, 21, 22, 23, 24, 25 and 29. Pages, 253-259—Comp. Laws—1880.)

ORDINANCES OF THE TOWN OF TAHLEQUAH.



ORDINANCE I.

Providing for the Selection of Officers by the Town Council, defining the duties of Town Officers, and fixing their Compensation.

SEC. 1. There shall be elected by the Town Council by ballot one "Constable" or "Marshal," one "Deputy Constable," one "Treasurer," one "Clerk," and one "Assessor and Collector of Taxes," and a majority of the votes thus cast shall be necessary to a choice of each of said officers. Their respective terms of office shall be until their successors shall be duly commissioned and installed, at which time the retiring officer shall deliver to his successor all of the property, effects and belongings of the office of every kind, with an inventory of the same, and shall take a receipt therefor, which inventory and receipt shall be immediately recorded by the officer taking possession.

The further duties of the several Town Officers, and compensation for their services respectively, shall be as hereinafter prescribed, as follows :

THE MAYOR—HIS DUTIES.

SEC. 2. In addition to the responsible and constant service required from the Mayor by the "Act of Incorporation," he shall, when present, preside over the meetings of the Town Council, and may call a special meeting of the Council at any time, for the transaction of necessary business.

THE MAYOR'S COMPENSATION.

SEC. 3. The Mayor shall be entitled to and shall receive an amount equal to twenty five per cent of all fines imposed for violations of the Town Ordinances. The Mayor shall also be entitled to and shall receive the sum of two dollars upon each and every conviction in his Court for a violation of Town Ordinances, which sum shall be attached and added to the cost of suit and be collected and paid by Execution, as in other cases.

THE TOWN COUNCIL—DUTIES.

SEC. 4 Besides the duties imposed upon the Town Council by the "Act of Incorporation," the Council shall hold four regular meetings during the year, namely:—on the first Mondays in March, June, September and December. Any three members may also call a special meeting to transact urgent business. Upon the calling of the roll by the Clerk at any Special or Regular meeting, should any member, after being duly notified of such meeting, be

found to be absent, a fine of from fifty cents to five dollars shall be entered, without motion to that effect, against such absent member, unless the members present be then and there informed of a satisfactory excuse for his absence. The fine may, however, for good and satisfactory reason presented to the Council at its next meeting, be remitted, upon motion to that effect.

COMPENSATION OF TOWN COUNCIL.

SEC. 5. Each member of the Town Council shall be entitled to——dollars per day for his service while attending the sessions of the Council.

THE TOWN CLERK—HIS DUTIES.

SEC. 6. The Town Clerk shall perform the duties imposed upon him in Section six of the "Act of Incorporation," and shall besides keep a set of books in which all of the business transacted by the Town Council shall be recorded, and which, at all times, shall be open to the inspection of the Mayor and Town Council. The Town Clerk shall attend the meetings of the Town Council, keep a correct record of the proceedings thereof, and attend the Mayor's Courts when requested to do so. He shall procure and have in his office a suitable record-book for the purpose of recording original and transferred bills of sale, deeds, and other papers for the registration of which application may be made by any town resident, which record shall be the Official Record of the Town. It shall be the duty of the

Town Clerk to receive and record in said book all papers which he may be called upon to enter therein by any property owner of said town, and the said record shall be open to examination and inspection by any citizen of the Cherokee Nation at any time during office hours, and in the presence of the Clerk.

BLANK FORMS OF DOCUMENTS.

SEC. 7. The Town Clerk is also required to keep in his office, for the benefit of all parties concerned, a supply of such printed blank forms of documents as the transaction of the business of this Corporation and the execution of its ordinances shall make it necessary to frequently use—among which, the following shall be included, viz :

1. Form of Acknowledgement.
2. “ “ Affidavit for an Attachment.
3. “ “ Summons in Civil Suit.
4. “ “ Indictment for violation of Law or Ordinance.
5. “ “ Garnishment.
6. “ “ Attachment.
7. “ “ Writs of Ejectment.
8. “ “ Bond for Cost of Suit.
9. “ “ Bond for Appearance.

COMPENSATION OF TOWN CLERK.

SEC. 8. The Town Clerk shall be entitled to a fee of five cents for each blank form of any document furnished

by him for private or personal use and benefit. He shall also be entitled to a fee of twenty-five cents for copying into the Record-book of the Town any document or paper furnished him for that purpose by any private person, and twenty-five cents in addition per page of such record for all copying in excess of one page of same. He shall receive fifty cents for the same kind and amount of special service as Clerk, for which a Dist. Clerk is allowed by law to charge the sum of twenty-cents. He shall also be entitled to a fee of fifty cents each for all licenses issued by him and authorized by ordinance. Also twenty-five per cent. of all sums that may be collected by himself or the Constable under authority of the ordinance taxing peddlers of produce.

The Town Clerk shall also be entitled to and shall receive the sum of two dollars upon each and every conviction for violence of the town ordinances, which sum shall be attached and added to the cost in all such cases, and be collected and paid by execution as part of such cost.

THE TOWN TREASURER—HIS DUTIES.

SEC. 9. The Town Treasurer, before receiving his commission, shall be required to execute a bond with approved security, made payable to the Mayor, in the sum of five hundred dollars. He shall receive and receipt for all monies collected and paid in by the Constable or Marshal, and pay out money only upon warrants drawn by the Mayor. He shall keep a correct account of all money received paid out, and from what source derived, and his

books shall be open to the inspection of the Town Council, or of any member thereof, or of any taxed citizen or resident of the town, in the presence of the Treasurer. He shall report quarterly to the Council, viz: On the first Mondays in December, March, June and November.

THE TREASURER'S COMPENSATION.

SEC. 10. The Town Treasurer shall receive for his services a yearly salary of——dollars to be paid quarterly upon the Mayor's warrant, which warrant shall not be issued until the Mayor and Town Council shall have approved and endorsed the preceding quarterly report of the Treasurer, to be made as above provided, and the said approval made of record.

THE TOWN CONSTABLE—HIS DUTIES.

SEC. 11. The Town Constable shall be conservator of the peace within the corporate limits of this town. He shall attend all meetings of the Town Council, and shall carry such messages and execute such orders as shall be given him for the purpose by the Mayor, and shall perform all other duties as are or may be required of him by law or ordinance, including the service of all lawful writs and orders to him directed, within the jurisdiction of this corporation. He shall file a bond of one hundred dollars with approved security to the Mayor for the faithful discharge of his duties.

COMPENSATION OF TOWN CONSTABLE.

SEC. 12. The Constable shall receive for his services the sum of (\$30) thirty dollars per month while so serving. He shall also receive one dollar as a fee for the arrest and conviction of any person in the Mayor's court.

THE DEPUTY CONSTABLE—HIS DUTIES.

SEC. 13. The duties and authority of the Deputy Constable shall be the same as those of the Constable, except that the Deputy shall be subject to the supervision and direction of the Constable or Marshal, and the latter shall be held responsible on his bond, at the discretion of the Town Council, for any official neglect of duty or malfeasance of the Deputy. The service of any lawful order, verbal or written, by the Deputy Constable shall be as though the service was performed by the Constable.

COMPENSATION OF DEPUTY CONSTABLE.

SEC. 14. The Deputy Constable shall be entitled to and shall receive for his services the sum of (\$30) thirty dollars per month, and shall also be entitled to such amount as fees for special service by him performed, as is allowed by ordinance to the Constable. The Constable, Deputy Constable, and in cases of emergency, provided for by law, the High Sheriff and his Deputy, shall constitute the executive force of the town, by and through whom the

Mayor and Town Council shall exercise their administrative authority for the due preservation of order according to the laws of the Nation and the town ordinances.

ASSESSOR AND COLLECTOR OF TAXES—HIS DUTIES.

SEC. 15. It shall be the duty of the Assessor and Collector of Taxes to file a bond with security to the satisfaction of the Town Council in the sum of (\$200) two hundred dollars conditioned upon the faithful discharge of his duties.

SEC. 16. He shall assess all of the property within the corporate limits of the town declared by the Town Council to be taxable, placing a cash estimate upon the value thereof, separately, and for the purpose of fixing such valuation he is authorized to place the owner of any property, or other person, under oath, to be administered by the "Assessor and Collector," for the discovery of any facts that in his judgment may aid him in fixing the true valuation of such property.

SEC. 17. Between the second and third weeks before the date when the payment of the tax assessed shall be due, each and every person indebted to the Corporation upon account of such assessment shall be duly notified by written notice from the Assessor and Collector of taxes informing the debtor of the amount due, and time of payment, which notification and account will be receipted by the proper officer upon payment of the amount due at or before the time set for such payment. (For other duties of

Assessor and Collector of taxes, see ordinance entitled "*Assessment and Collection of Taxes.*")

COMPENSATION OF ASSESSOR AND COLLECTOR OF TAXES.

SEC. 18. The Assessor and Collector of taxes shall be entitled for his services to five per cent. in cash of all taxes by him collected for delivery to the Treasurer, and he is authorized to retain the said per cent. out of the amount by him collected, but shall report to the next succeeding regular meeting of the Town Council the whole amount collected and the amount so authorized to be deducted as fees and retained by him for his services.

GENERAL DUTIES OF TOWN OFFICERS.

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ORDINANCE II.

RULES FOR CONDUCTING TOWN COUNCIL MEETINGS.

SEC. 1. In compliance with a provision of the "*Act of Incorporation*," requiring the meetings of the Town Council of Tahlequah to be regulated by ordinance, the rules framed for that purpose are hereby ordained to be the regulations for holding and conducting the meetings of the said Town Council, and for the transaction of business thereat, and the Clerk is hereby directed to transcribe, and to make and keep the same of record in his office, in a form and manner convenient for reference by any member of this Council—the said regulations being subject to such amendment or alteration thereof as the Town Council shall, at any regular meeting, determine by ordinance.

REQUIRING REGULAR OFFICIAL REPORTS.

SEC. 2. All officers of this Corporation who are, or shall be, appointed or elected, and assigned to duty by the Town Council, pursuant to ordinance, shall be, and are hereby required each to make regular reports to the Town Council at the regular meetings thereof.

REQUIRING BONDS FROM CERTAIN OFFICERS.

SEC. 3. All officers of this town into whose hands money may come by virtue of their respective offices, or who may be or are now authorized or required to handle town funds, shall be and are required, to each file a bond in the Mayor's office to his and the Town Council's satisfaction in all respects, before taking charge of or in any manner handling such funds. Should at any time any bond herein required not be filed when required, or should additional security, or a larger bond, be required by the Mayor and Town Council, and the order to that effect not be complied with to their satisfaction and without delay, the office concerned shall be accounted and declared to be vacant upon a resolution to that effect passed by the Town Council, and it shall be straightway filled as provided by ordinance.

NO WITHOLDING OF TOWN FUNDS BY OFFICERS OVER ONE DAY.

SEC. 1. All officers collecting dues or fines on behalf of this town shall turn over the same to the Town Treasurer, in kind as received, within twenty-four hours after receiving the same; and the failure of any officer to turn over to the Treasurer all money, or obligations to pay money, that shall be collected or received by him in discharge of debts due the town on any account, within the time specified (24 hours), shall be deemed sufficient ground and cause for the summary dismissal of such officer from the town service.

SEC. 2. All fines, taxes, and dues collectable under ordinance may be paid to the collecting officer either in cash, town certificates of indebtedness, or National warrants or certificates at published current rates.

SEC. 3. No money shall be paid out of the Treasury except upon warrant of the Mayor to be drawn pursuant to appropriation made by the Town Council.

ORDINANCE III.

THE TOWN OR MAYOR'S COURT—GENERAL ORDINANCE IN REGARD THERETO.

SEC. 1. It is ordained that the institution and conduct of all suits at law, civil and criminal, in and before the Mayor and Town Council of this town, acting jointly or separately—either or both—within the jurisdiction conferred upon them, either or both, by law or ordinance, shall be governed by the same general rules and regulations, from the beginning to the end thereof, as obtain and are applied in other courts in this Nation for the government of the practice therein, in the absence of any specific rules or regulations that shall be declared and required to be applied by ordinance, not contrary to law.

THE MAYOR'S COURT—JURIES.

SEC. 2. In the exercise of the authority conferred

upon the Mayor and Town Council by the "Act of Incorporation," whenever the services of a jury shall be required, pursuant to the seventh section of article sixth of the Constitution, the same rules shall be followed in the summoning, choice and qualifications of jurors as are provided to be applied and followed in the District Courts of the Cherokee Nation, so far as the said rules, in the judgment of the Mayor, can and should be applied to carry out the purposes of said Act through the holding of the Mayor's court—the said rules herein referred to being contained in Chap. 3rd, Art. 5th, pages 96–101; Compiled Laws, C. N., 1880—*Provided*, that the pay of jurors and witnesses shall be each fifty cents per day of actual service.

THE MAYOR'S COURT—CIVIL SUITS.

SEC. 3. The institution and course, under the "Act of Corporation," of all civil suits in and before the Mayor's court, shall follow and be governed by the same rules which are fixed by law and applied to govern the institution, conduct and disposal of such suits in and before the District Courts of this Nation—as to bond for cost, summons or declaration, service of summons, pleadings, decision, judgment and execution—so far as the application of the said rules, so governing procedure in the District Courts, shall be found to be compatible with the authority vested by law, and ordinance passed pursuant thereto, in the said Mayor's court—the said rules of practice in civil cases,

hereby adopted, being contained in the Compiled Statutes of the Cherokee Nation published in 1880, as follows:

Chapter 3, Article 1, Sections 2-12; pages 76-81.

“ “ “ 10, “ 112-114; pages 120-122.

“ “ “ 11, “ 116-118; “ 122-124.

“ “ “ 12, “ 119-120; “ 124-125.

“ “ “ 13, “ 121-127; “ 125-129.

“ “ “ 14, “ 128-131; “ 129-131.

“ “ “ 15, “ 132-149, omitting Section 145, pages 131-137.

THE MAYOR'S COURT—ARBITRATION OF CAUSES.

SEC. 4. When parties to a suit that would otherwise come before the Mayor's or other Court for a settlement of the dispute, shall agree to have the controversy settled by Arbitration, the Mayor shall duly instruct the said parties in reference to that mode of procedure, and shall perform the duty of Circuit or District Judge as required of such Judge by Section 77, Article 17, Chapter 12, Page 279, Compiled Laws, C. N., 1880, and the provisions and requirements contained in the said Article shall be applied and enforced under the instructions of the Mayor as set forth in said Article; and in all cases of settlement by arbitration, the Mayor shall be allowed the same amount of compensation as shall be allowed to an arbitrator.

NOTE—*Not compensation at the same rate, but the same "amount of," &c.*

ORDINANCE IV.

DAMAGES—WHEN AND HOW TO BE ESTIMATED AND FIXED.

Whenever any person is injured in property by the unlawful act of another within the corporate limits of the Town of Tahlequah, he shall, within ten days after he is apprised of such injury report the same to the Mayor, who shall thereupon immediately appoint and qualify three suitable persons to assess the amount of damages sustained, when judgment may be given thereupon according to law.

GENERAL ORDINANCES.



DEFINING, DECLARING AND PUNISHING MISDEMEANORS.



ORDINANCE V.

INTRODUCING AND VENDING LIQUORS.

SEC. 1. Any person who shall be found guilty of introducing or vending spirituous liquors within the corporate limits of the Town of Tahlequah shall be fined in a sum not less than five nor more than twenty-five dollars, besides losing the liquor—which the Town Constable is hereby required to destroy.

SEC. 2. The Constable is hereby empowered to arrest any person whom he may have good cause to suspect of having bought or by any means procured any intoxicating liquor for sale, and to bring him before the Mayor to testify in regard to the same. Should any person refuse to appear or answer, when required by the Mayor, he shall be fined not less than one nor more than ten dollars, or be imprisoned not less than one nor more than ten days at the discretion of the Court for every such refusal when so summoned to appear or required to answer.

ORDINANCE VI.**RESISTING AN OFFICER.**

Should any person resist the Constable or other officer, by force or otherwise, while the officer is in discharge of his official duty, such person shall be fined in a sum not less than one nor more than fifty dollars, or be imprisoned for not less than one nor more than sixty days, at the discretion of the Court.

ORDINANCE VII.**CARRYING DANGEROUS WEAPONS.**

SEC. 1. Any person found guilty of carrying arms of any kind whatever, or who shall have on or about his person any dirk, bowie-knife, pistol, slung-shot, metal-knuckles, or other dangerous weapon, excepting a common pocket knife, within the corporate limits of this town, shall be fined not less than one nor more than twenty-five dollars, and forfeit the weapon for the benefit of the town:—

Provided, That strangers, or travelers, or persons from a distance be duly notified, and allowed to deposit their weapons with some safe person until they shall be ready to leave town; and that citizens, or persons not residing in the town, be allowed to pass through the town to and from hunting, or to carry their guns or pistols to the shop for repair. All officers while on duty shall be allowed to carry their usual arms.

Provided, also, That nothing in this ordinance shall be

so construed as to prevent the carrying of a common butcher-knife to and from the place of butchering.

SEC. 2. The Act of the National Council approved December 20, 1886, relating to the carriage of dangerous weapons and amending Article 19, Chapter 12, Compiled Laws of this Nation of 1880, is hereby made, and declared to be, the ordinance of this town so far as applicable, under which persons charged with the offence of carrying unlawful weapons within the corporate limits of this town may be tried in and before the Mayor's Court—the authority to enforce said Act being vested in the Mayor and Town Council by Section 21, Article 4, Chapter 12, Compiled Laws Cherokee Nation, 1880—and all provisions of ordinances conflicting with this section are hereby repealed.

ORDINANCE VIII.

ASSAULT—AND ASSAULT AND BATTERY.

SEC. 1. Any person who shall, without justification or sufficient excuse, but unprovoked at the time and with deliberate intent, assault another, or who shall make use of violent or abusive language, which language, in its usual acceptation, is calculated to arouse the anger of the person spoken to or about, and to cause a breach of the peace, shall be deemed guilty of a misdemeanor, and shall be fined in a sum not less than one nor more than twenty-five dollars.

SEC. 2. Any person who shall be found guilty of an

assault and battery upon the person of another, shall be fined not less than five nor more than fifty dollars, or may, in aggravated cases, be both fined, and confined not more than sixty days.

ORDINANCE IX.

HOUSES OF ILL FAME.

Any person found guilty of keeping a house of ill fame shall, upon conviction, be fined in a sum of not less than five nor more than fifty dollars—such being so kept within the corporate limits of this town—and each inmate, boarder or patronizer of such house shall be fined in an amount equal to one half the fine imposed upon the principal. Any man found in such house shall be fined not less than one nor more than ten dollars.

ORDINANCE X.

FORBIDDING GAMBLING.

SEC. 1. Any person or persons who shall keep a gambling or disorderly place shall be fined for each offense not less than one nor more than twenty-five dollars.

SEC. 2. And any person who shall run, or invite to, any game of chance, or confidence game, for gain, within this Town Corporation shall be fined for each offense in any sum less than fifty dollars, or be imprisoned for any term less than sixty days at the discretion of the Court.

ORDINANCE XI.

INJURING OR DISFIGURING LIVE STOCK.

It shall be unlawful for any person to maim, wound, cripple, or otherwise injure or disfigure any hog, horse, cow, calf, mule, jack or jinny, or any other live stock within the bounds of this corporation by doging, shooting, cutting, stabbing, or by any other act calculated to disfigure or cripple the animal; and any person found guilty of violating this ordinance shall be fined in a sum not less than five nor exceeding twenty-five dollars.

ORDINANCE XII.

IN REGARD TO UNHITCHED TEAMS.

SEC. 1. It shall not be lawful for any person to leave unhitched in the streets of this town any teams harnessed to any kind of vehicle. Any person found guilty of violating this prohibition shall be fined not less than one dollar, nor more than ten dollars, at the Court's discretion.

SEC. 2. Any person, found guilty of fast riding or driving, through the town proper, shall be fined in a sum not less than one nor more than ten dollars, and in addition thereto be fined in double the amount of any injury sustained by another by reason of such riding or driving, when injury shall be by such cause inflicted.

SEC. 3. Any person found guilty of riding or leading any animal upon any sidewalk, porch, or into any business or dwelling house or yard, shall be fined in a sum not less than five nor more than fifty dollars, and, if injury result,

be also fined in double the estimated amount of the injury sustained, for the benefit of the injured party.

ORDINANCE XIII.

CRIMINAL NEGLIGENCE.

When a report shall be made in writing to the Constable by any person to the effect that any designated property within the corporate limits of the town is in danger of being destroyed by fire, by reason of any unsafe flue, it shall be the duty of the Constable to immediately examine the same, and if he find the report true, to report the same to the Mayor, who shall at once order the same to be repaired within a reasonable time. Should the person or persons owning said property refuse or neglect to repair the same as ordered, he or they shall be deemed guilty of a misdemeanor, and upon conviction be fined in a sum not less than five nor more than fifty dollars, which sum shall be applied to the building or repair of said flue—or so much thereof as shall be necessary—the remainder, if any, to be paid into the Treasury for the town's use and benefit.

ORDINANCE XIV.

DANGEROUS NUISANCES.

When any privy, swill-tub, slaughter-house, or any other place or thing, shall be reported to the Constable in writing by at least two persons, setting forth that the thing complained of is a nuisance offensive to citizens or in-

jurious to their health, it shall be the duty of the Constable to investigate and report to the Mayor the condition of things in the premises; and the Mayor shall issue such order as he shall deem to be necessary, to abate, remove, destroy, repair, or disinfect. Should the person or persons to whom the order shall be directed, refuse or neglect to obey the order within the specified time he or they shall be fined in a sum not less than one nor more than fifty dollars, which shall be applied to the destruction, abatement, repair, disinfection or removal of the nuisance, as the case may be—any remainder to be paid into the Town Treasury.

ORDINANCE XV.

BREAKING THE SABBATH DAY.

The seventh portion of time, beginning and ending with Sunday, the first day of the week, shall be a day of rest within the limits of this town; and every merchant, mechanic, artist, or other person who shall keep open his store, warehouse, shop or workhouse, or other place of business, or shall engage in any manner of work or business, except works of necessity or charity only, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than five nor more than twenty-five dollars for the benefit of the town—*provided*, that barber shops may be kept open until noon; and *provided further*, that this ordinance shall not apply to prevent the sale of medicines on Sunday.

ORDINANCE XVI.**MALICIOUS TRESPASSING.**

Any person who shall wilfully or maliciously enter and go upon the field, garden, orchard, or other enclosed lands of another, and commit any trespass thereon by stealing, wilfully taking or destroying any grain, fruits, vegetables, or other product of the soil, or by destroying or injuring any vine, plant, shrub, fruit or other tree not his own, that may be standing or growing for shade or ornament or other useful purpose upon the premises of another, or upon any public grounds or park, or by breaking or throwing down, or opening any gate, bars or fence, enclosing lands not his own; or by marring, defacing or otherwise injuring any building not his own; or by burning, breaking or otherwise destroying any railing, enclosure, or monument erected in memory of the dead, shall be deemed guilty of a misdemeanor, and, upon conviction, be fined in any sum less than fifty dollars, or imprisoned not less than five nor more than twenty-five days, or both, at the discretion of the Court.

ORDINANCE XVII.**UNLICENSED TRADING BY U. S. CITIZENS.**

It shall be unlawful for any U. S. citizen or foreigner, except traders who are licensed by this Nation, to trade or barter in hides, peltries, game, or products of any kind within the corporate limits of this town, and those licensed by this Nation only in bulk or quantities:—

Provided, That nothing in this ordinance shall be construed to prohibit persons and families, under permit, from buying their supplies; and any person violating this ordinance and subject to the jurisdiction and authority of this town shall be fined in any sum less than fifty dollars, at the discretion of the Court. Should the offender not be under said jurisdiction, he shall be immediately reported, and application made for his expulsion as an intruder.

ORDINANCE XVIII.

OBSTRUCTING STREETS AND ALLEYS.

Whenever a report shall be made in writing, signed by one or more citizens, and addressed to the Constable, that a street or alley is obstructed with a building or other obstruction, it shall be the duty of the Constable to investigate the matter and report to the Mayor in the premises, who shall issue his order accordingly. Any person neglecting or refusing to remove the obstruction upon the order of the Mayor to that effect, within a reasonable time, shall be fined in a sum not less than five nor more than fifty dollars together with the expense of the removal.

ORDINANCE XIX.

DISTURBING THE PEACE.

SEC. 1. Any person found drunk, or noisy or using language offensive to decent people, or who shall attract attention to his or her immodesty in language, demeanor,

or dress, shall, upon conviction, be fined in a sum not less than one nor more than twenty-five dollars.

SEC. 2. Any person who shall disturb the peace and quiet of the corporation or any part thereof by loud or boisterous talking, whooping, yelling, discharge of fire-arms, throwing stones, or in any other manner calculated to disturb the ordinary quiet of any person or neighborhood, shall be deemed guilty of a misdemeanor and upon conviction be fined in a sum not less than one nor more than twenty-five dollars.

ORDINANCE XX.

JUVINILE DISSIPATION.

SEC. 1. It is hereby declared unlawful for boys under eighteen years of age to frequent the billiard halls and saloons of this town; and all boys found violating this ordinance will be reported by the Constable to their parents or guardians, and, upon a repetition of the offence, be confined in the calaboose twenty-four hours.

SEC. 2. All owners of billiard halls and saloons who shall permit or suffer boys to frequent those places, shall be summarily fined the sum of five dollars and in default of payment be imprisoned for five days.

SEC. 3. Any boy under eighteen years of age who shall be found loafing on the streets or around town after nine o'clock p. m., shall be reported as above provided, and, upon a repetition of the offence be confined in the calaboose over night.

ORDINANCE XXI.**REFUSING TO PAY A FINE.**

Any person failing to pay a fine that shall be adjudged against him for any violation an ordinance of this town shall be confined and made to labor at the rate of one dollar per day until the fine is paid; and in case any person, so confined, shall refuse to work, such person shall remain in jail and be fed on bread and water until the fine shall be paid or the work be done as provided and required.

ORDINANCE XXII.**DISTURBING PUBLIC MEETINGS.**

Any person who shall wilfully annoy, by word or deed, or in any manner disturb any school, religious, political or social public meeting lawfully assembled, shall be deemed guilty of a misdemeanor, and, upon conviction, be fined in a sum not less than one nor more than twenty dollars; *provided*, should the offender be at the time in a state of intoxication, or be armed with a dangerous weapon, he may be imprisoned, at the discretion of the Court.

ORDINANCE XXIII.**BEAN-SHOOTING, NEST-ROBBING, FIRE-CRACKERING, ETC., BY BOYS.**

SEC. 1. It shall be unlawful for boys or other persons to have and use, within the town survey, the implement known as a bean-shooter.

SEC. 2. It shall also be unlawful for boys or other person to destroy bird-nests, to shoot or throw at birds, or in any manner to wantonly disturb the birds within the limits of this town as surveyed.

SEC. 3. It shall also be unlawful and is forbidden to any person to shoot or explode fire-crackers or any fire-works within the town survey, except upon the Fourth of July, and Christmas and New Year's Days.

SEC. 4. Boys under fourteen years of age, who shall violate any of the provisions of this ordinance shall be reported for the first offence to their parents, by the Constable. For any second or after offence the penalty specified shall be applied, irrespective of age. All other persons who may be found guilty of violating any of the prohibitions of this ordinance shall be punished by being fined not less than one dollar, nor more than five dollars.

ORDINANCE XXIV.

VAGRANCY.

When the Constable shall find any person loafing around town without any visible means of support, he shall arrest such person and notify the Mayor. Should, upon investigation, the person be found to be a vagrant or loafer, he or she shall be fined not less than five nor exceeding ten dollars.

ORDINANCE XXV.**BEFOULING THE STREETS.**

It shall be unlawful for any person to empty any ashes, swill, or rubbish of any kind in the streets of the surveyed part of this town, and any one violating this ordinance shall be fined not less than one nor exceeding twenty dollars.

ORDINANCE XXVI**EVADING ARREST AND HARBORING OFFENDERS.**

Whenever the Constable shall receive information and has good reason to believe that any article forbidden by ordinance is secreted in any house within the town, or when the Constable shall have information or good reason to believe that any person charged with a violation of any ordinance is secreted, or is harbored by another in any place or house within the town, he, the Constable, may make oath of the facts before the Mayor who shall be authorized to immediately issue a warrant to search the suspected place or house designated by the Constable in his sworn statement, and the warrant so issued shall be sufficient authority for the Constable to enter such place or house, forcibly or otherwise, for the purpose of executing the ordinances of this town.

ORDINANCE XXVII.**DEAD ANIMALS.**

Whenever an animal of any kind shall die within the surveyed portion of this town it shall be the duty of the owner thereof to remove the carcass beyond the corporate town limits, or to bury, or burn the same completely and to ashes. And any owner of such animal who shall refuse or fail to so remove, bury or burn, as required by this ordinance, shall be fined not less than one dollar nor exceeding twenty-five dollars, and be notified by the Constable to remove the dead body, and every day thereafter that such owner shall fail or refuse to remove or otherwise dispose of such dead animal as above required and formally notified so to do, shall constitute a repetition of the offence and each offence shall be punished as herein—above provided.

ORDINANCE XXVIII.**PROHIBITING FURTHER INTERMENT IN THE OLD CEMETERY.**

It shall be unlawful hereafter to bury any more bodies in or about the old Tahlequah Graveyard or Cemetery and any person who shall violate this ordinance shall be subject to a fine of not less than ten nor exceeding twenty-five dollars.

ORDINANCE XXIX.**CARRYING A POLICEMAN'S WHISTLE.**

Any person found with the implement commonly known as and called a "Policeman's Whistle," without authority to have and carry such implement, shall be fined for such act—which is hereby declared to be unlawful—not less than two nor more than ten dollars, at the discretion of the Court.

ORDINANCE XXX.**FEEDING TEAMS ON THE STREETS.**

The feeding of live stock on any street of this town is hereby forbidden; and any person violating this ordinance shall be fined not less than one nor more than five dollars, at the Court's discretion.

ORDINANCE XXXI.**REGULATING THE SALE OF ALCOHOLIC MEDICINES.**

SEC. 1. It shall be unlawful for any person to sell within the limits of this town any Jamaica Ginger Extract or any patent or other medicines containing alcohol, except as hereinafter provided to be allowed; and any person who shall violate this ordinance in any substantial particular, shall be fined in a sum not less than ten nor more than fifty dollars for each offence. The prohibitions in the premises are substantially as follows:

SEC. 2. No dealer or other person will be allowed to sell, within the space of one day and night of twenty-four hours, to any single individual person more of the Jamaica Ginger Extract or combination than can be contained in a bottle holding four ounces; nor of any patent medicine whatever containing alcohol in greater quantity than can be contained in a bottle holding twenty ounces and no more.

SEC. 3. All persons who shall sell or offer for sale any article specified in the preceding section, shall have the name of the seller, or of the selling firm, plainly written or stamped upon every bottle sold.

SEC. 4. It is also required of the person who shall sell any article of the kind to make due inquiry of the one offering to buy in regard to whom the purchase is intended for, and whether the person for whom the article is desired to be bought, has purchased, or has had purchased, for himself, the same article within twenty-four hours previously—in order that the second section of this ordinance shall in all cases be duly complied with and enforced. And any person found guilty of violating this section, or of misrepresenting the facts authorized herein to be inquired of, shall be fined in any sum not less than five nor exceeding twenty dollars.

SEC. 5. No dealer in medicines or drugs within the corporate limits of town shall be allowed to sell of alcoholic tinctures and extracts a greater quantity than four ounces at the same time—such tinctures and extracts being and belonging to, a class of articles not before herein referred

to or mentioned—and shall be subject to the same restrictions as to time and person as are above set forth in regard to Ginger Extracts, except upon prescription from a regular physician; and any dealer in drugs and medicines violating this provision shall be fined in any sum not less than ten nor exceeding fifty dollars; and any physician giving a prescription for any articles of sale described or designated in this ordinance, except to be used only for medicine, actually and immediatly required, in his judgment, by his patient on account of his health, shall be fined not less than ten nor more than twenty dollars.

ORDINANCE XXXII.

CONCEALING A VIOLATION OF LAW.

When the Constable shall have reason, in his judgment to believe that any person within the limits of this town is under the influence of any intoxicating drink, he shall arrest the said person and take him before the Mayor who shall be authorized to place the arrested person upon his oath for the discovery of the person and place where he or she did procure the intoxicant used; and any person failing or refusing to answer any question propounded by the Mayor for that purpose, shall be subject to a fine for contempt of not less than five nor exceeding ten dollars.

ORDINANCE XXXIII.**UNAUTHORIZED CARRYING OF WEAPONS BY OFFICIALS.**

It shall be hereafter unlawful for any District or Jail Guards to carry arms within the corporate limits of this town except when they shall be on actual duty or service in guarding prisoners, or in pursuit or search of parties to arrest them; and any District or Jail Guard who shall violate this ordinance shall be fined in any sum not exceeding ten dollars, and forfeit the weapon so unlawfully carried; and it is hereby made the duty of the Constable to disarm and arrest all parties violating this ordinance.

ORDINANCE XXXIV.**FALSE ASSUMPTION OF AUTHORITY.**

The "Posse" of United States Deputy Marshals should show their authority to act as such, and to carry arms in the Town of Tahlequah, and they are required to do so when requested by the Town Constable; and all "Posse" or persons claiming to be such officials, who shall refuse or fail to exhibit to the Constable their authority upon his request to that effect, shall be subject to a fine of not less than five nor exceeding ten dollars and be disarmed by the Constable.

ORDINANCE XXXV.

PREScribing PENALTIES FOR THE COMMISSION OF OTHER UNLAWFUL ACTS.

It is hereby declared and ordained that any reference to the Town or to the Corporation of Tahlequah by and in any of the ordinances of the said town shall be held to include, and does include, the space of country embraced within and bounded by the exterior limits of the said town or corporation as defined and described by limits in the "*Act of Incorporation.*" It is also declared and ordained that when no penalty is specified in any ordinance for its violation, the amount of fine or length of imprisonment shall be at the discretion of the Court; *provided*, the fine shall not be less than one nor more than fifty dollars; nor the length of imprisonment be more than sixty days.

ORDINANCE XXXVI.

BEFOULING THE TAHLEQUAH SPRING BRANCH.

It shall not be lawful, and all persons are forbidden, to place any dead animal, animal matter, or refuse of any kind in or on the Tahlequah Spring Branch anywhere within the limits of this town, or in any other manner or by any other means, carelessly or intentionally used, to pollute or make impure the waters of said "branch;" and any person violating the provisions, or any one of them, of this ordinance, shall be fined in any sum not less than one dollar, nor more than fifty dollars.

ORDINANCE XXXVII.**PROVIDING FOR THE OFFER AND ACCEPTANCE OF BAIL.**

Upon the arrest of any person charged with a violation of any of the town ordinances, the Constable shall be and is authorized to accept as bail for the due appearance of the arrested person at the time and place for trial, an amount in money, or bond with good security, equal to the highest fine possible to be imposed in that case—*provided* that no bail shall be accepted by the Constable in cases where the offence charged is made punishable by both fine and imprisonment; but in all such cases the Mayor only shall be authorized to take bond, to an amount and with security satisfactory to him.

ORDINANCE XXXVIII.**FORBIDDING TO FATTEN ANIMALS FOR MARKET IN TOWN.**

No fattening, or feeding of hogs or other animals for market, shall be allowed within the surveyed limits of Tahlequah; and any person found guilty of violating this ordinance shall be fined not less than five nor more than fifty dollars.

ORDINANCE XXXIX.**DECLARATORY.**

Each and every distinct act committed in violation of an ordinance or law forbidding such act, either in express

or plainly implied terms, will, when proven, render the perpetrator liable and deserving of the penalty imposed by such ordinance or law, whether the words "for each offence," or words to that effect, are inserted in the ordinance or law or not to justify the application of the penalty more than once. For every distinct violation of an ordinance, the penalty attached to the act of violation in order to punish and prevent such violation, shall be inflicted when the perpetrator is in any instance found guilty.

OTHER ORDINANCES INVOLVING PENALTIES FOR VIOLATION.

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ORDINANCE XL.

REGULATING THE PEDDLING OF PRODUCE.

SEC. 1. Any person peddling or selling produce of any kind within the corporate limits of this town, from wagons, shall be required first to obtain a license and pay therefor at the rate of (50) fifty cents on each load for wholesaling the entire load, and one dollar a load for retailing the same—*provided*, that all citizens and permitted non-citizens shall be allowed to dispose, free of any charge thereon, of any produce they may have raised, or caused to be raised, within the limits of the Cherokee Nation, as the results of their own labor or enterprise; and it is hereby made the duty of the Constable to see that any person offering produce for sale within the limits of this corporation shall comply with the provisions of this ordinance; and upon the refusal of any person to pay the amount due, the Constable is hereby authorized to arrest the said person and take charge of his wagon load and report the facts to the Mayor who shall immediately report all non-citizens so offending to the United States Indian Agent; and in case the person so offending is a “permitted”

man, the Mayor shall ask for a revocation of the offender's permit by the District Clerk who granted it, for the cause stated, and him to be reported as an intruder; all citizens violating this ordinance shall be each fined not less than five nor more than ten dollars.

SEC. 2. The Clerk shall be entitled to twenty-five per cent. of all the sums collected by himself or the Constable as taxes on the sale of produce from wagons as regulated by ordinance.

ORDINANCE XLI.

PROVIDING FOR LICENSING VARIOUS OCCUPATIONS AND BUSINESSES.

SEC. 1. All persons conducting or doing business within the corporate limits of this town, and which business is not being carried on under license from the Cherokee Nation, shall pay the following tax per annum for the privilege of doing or carrying on the business designated, and to which, as enumerated in the following list, the amount of such tax is respectively attached, to-wit:

	PER YEAR.
1. Blacksmith Shops, - - - - -	\$5 00
2. Hotels and all boarding houses within block of Square, - - - - -	6 00
3. Boarding houses elsewhere 50 cts. per month,	3 00
4. Boot and shoe shops, - - - - -	5 00
5. Marble Works, - - - - -	5 00
6. Livery Stables, - - - - -	6 00
7. Butcher Shops 50 cts. per month, - - - - -	6 00

	PER YEAR.
8. Tin Shops, - - - - -	\$5 00
9. Barber Shops, - - - - -	6 00
10. Woodwork Shops, - - - - -	5 00
11. Restaurants, - - - - -	5 00
12. Bakeries, - - - - -	5 00
13. Tailor Shops, - - - - -	5 00
14. Water haulers 25 cts. per month, - - - - -	3 00
15. Dairy deliveries, - - - - -	3 00
16. Grist Mills, - - - - -	5 00
17. Lumber Yards, - - - - -	5 00
18. Undertakers, - - - - -	5 00
19. Private feed stables, per six months \$1 50, -	3 00

SEC. 2. No person shall be allowed to sell meat of any kind within this town without a license—*provided*, persons from the Cherokee Nation outside of town shall be allowed without hindrance to sell hogs or other animals by the quarter or greater quantity.

SEC. 3. All persons carrying on any of the kind of business indicated in the above list in this town are required to obtain licenses respectively to conduct his special business or pursuit upon the terms set forth, which license shall be issued by the Town Clerk upon their compliance with said terms. And any person who shall open and conduct any business of the kinds described within this town, shall be required first to obtain license so to do upon said terms. Any person now conducting such business who shall fail to obtain a license as required by or before the first of April, 1890, and any person who may hereafter set up and carry on any of such businesses, without procuring

license as required by this ordinance shall be fined for each day's omission to procure such license in a sum equal to double the amount required to be paid yearly as hereinbefore set forth.

SEC. 4. Dealers in any kind of business not designated in the above list, or excepted in this ordinance, will be required to obtain, and pay for, a license in advance from the Town Clerk, which license shall be good for one year.

ORDINANCE XLII.

CREATING A BOARD OF HEALTH.

A "*Board of Health*" shall be and is hereby created for the Town of Tahlequah consisting of three members, to be appointed by the Mayor and confirmed by the Council, whose duties shall be to report monthly to the Mayor the sanitary condition of the town when occasion shall in their judgment arise. The Board shall have authority to condemn all nuisances injurious to health, and, upon their finding, the Mayor shall cause the Constable to notify the owner of the property where the nuisance is located to have the same abated or removed immediately; should any person, so notified, fail to abate or remove such nuisance within three days after being notified thereof as provided, he shall be dealt with as is provided in the ordinance in regard to nuisances.

NOTE.—Pursuant to this ordinance Drs. W. G. Blake, Joseph Thompson, and W. B. Treadwell were appointed to serve as a "Board of Health."

ORDINANCE XLIII.**TAXING EXTEMPORE STREET STORES.**

Any person offering for sale within the corporate limits of this town articles known and designated under the head of general merchandise, at auction or public sale on the streets shall first procure a license so to do from the Town Clerk, and pay for each day or fraction of day of such offering for sale, for present or future delivery, the sum of five dollars; and any person violating this ordinance shall be fined in any sum less than fifty dollars at the discretion of the Court.

ORDINANCE XLIV.**REGULATING THE PRACTICE OF MEDICINE AND SURGERY.**

SEC. 1. In pursuance of Sections 145 and 150 inclusive of Article 32, Chapter 12, Compiled Laws of the Cherokee Nation, (1880), from and after the passage of this ordinance, it shall be required of all persons not citizens of this Nation, upon offering to practice medicine, surgery or dentistry within the corporate limits of the Town of Tahlequah to register his or her certificate (obtained from the Medical Board as required and set forth in the above named Sections of Art. 32, Chap. 12,) in the Mayor's office in said town.

SEC. 2. Any person or persons failing to comply with the provisions of this ordinance, shall, for each offence, be fined in a sum of not less than five dollars, nor more than

ten dollars, and be at once reported to the proper authorities for expulsion beyond the limits of the Territory; *provided*, that resident physicians, not citizens, who may be engaged in the practice of their profession at the time of the passage of this ordinance, shall be given due and proper notice of the same, and three days' time to comply with its provisions; provided further, that this ordinance shall not apply to, or in any way interfere with, non-resident physicians who may be called to practice their profession in special cases, from neighboring States or Territories.

ORDINANCE XLV.

WHEN NON-CITIZENS REFUSE TO PAY TAX.

Whenever a non-citizen, residing or doing business within this town shall refuse or fail to pay tax upon any property, goods, or articles referred to in the preceding ordinance (43) as subject to be taxed, he shall be immediately reported by the tax collector to the Mayor who shall without delay cause the party so failing or refusing to pay, to be reported to the United States Agent as an intruder, and the Clerk of the District shall be requested to revoke the permit of any such offender for the said cause to him shown.

ORDINANCE XLVI.**NON-CITIZENS NOT TO BE EMPLOYED BY CITIZENS WITHOUT PERMITS.**

All business conducted by non-citizens within this corporation shall be held and deemed to be the business of the citizen of this Nation who has obtained a permit to employ the non-citizen; and any non-citizen attempting to conduct any business within this corporation without being "permitted" as provided and required by law shall be immediately reported as an intruder, according to the laws of this Nation.

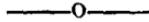
ORDINANCE XLVII.**IN REGARD TO DOGS.**

SEC. 1. All persons owning dogs within the surveyed limits of this town shall be required to pay a tax of 50 cents on each dog owned by them respectively, and to furnish a collar therefor. All dogs found running at large after the first day of April, 1890, and upon which no tax has been paid, and are not duly collared, shall be liable to be killed by the Constable—*provided*, that persons coming into town temporarily with dogs shall be exempt from the operation of this ordinance—*provided further*, that when the Constable shall have reason to believe that any dog running at large contrary to the purpose of this ordinance, is a valuable animal, he shall cause the dog to be kept in some secure

place for at least seven days awaiting reclamation by the owner, or other person should the owner not appear within such time—who upon the dog's release to him shall pay \$1.00 to the Constable for keeping. No claimant appearing and settling for the animal during the time designated, the Constable shall slay as hereinbefore provided.

SEC. 2. It shall not be lawful for any person owning a bitch to allow her to run at large within the limits of this corporation; and any person violating this section shall be fined not less than five nor more than ten dollars at the discretion of the Court.

ORDINANCES WITH NO PENALTIES ATTACHED.



ORDINANCE XLVIII.

PROPERTY SUBJECT TO BE TAXED.

The following described kinds of property are and shall be subject to taxation according to law and ordinance, viz:

Town lots and improvements thereon, and other improvements, household furniture, general merchandise, and all articles offered for sale, live stock of all kinds, watches and jewelry, livery and feed stables, meat markets, and all articles or things, displayed, offered, or designated by the owner as articles of trade, for profit, as well as all business enterprises or pursuits whereby exchange is made for profit, and to carry on which under the regulations and protection of the town, licenses are or may be required to be obtained. And it is hereby made the duty of the "Assessor and Collector of taxes" to assess the value of all property within the limits of this town, as above described and defined, whether the property is claimed by resident citizens, non-resident citizens, or non-citizens of the Cherokee Nation.

ORDINANCE XLIX.

EXEMPTING SCHOOL AND MISSIONARY PROPERTY FROM TAXATION.

All property held or occupied by Missionary School Boards and Religious denominations within this town, and which is or shall be used solely for church, school, or religious purposes, shall be and is hereby declared to be exempt from taxation by authority of this Corporation while the said property is so held, occupied and used.

ORDINANCE L.

ASSESSMENT AND COLLECTION OF TAXES.

Pursuant to the authority conferred in Section 23, Article 4, Chap. 12, Compiled Laws Cherokee Nation, 1880, the Assessor and Collector of taxes of this town shall assess taxes upon all taxable property to the limit specified by said provision of law, on or before the first day of April of each year; and unless the tax upon each assessment shall be paid on or before the first day of July following, the Town Clerk shall give public notice by posting in 3 of the most public places in town, or by advertising in some newspaper published in Tahlequah, for at least thirty days, a list of all delinquents with the amount assessed and the amount due. At the expiration of the said thirty days, unless said tax be paid in full, it shall be the duty of the Clerk to issue execution for the amount due together with the amount of cost, directed to the Town Constable, who shall proceed forthwith and levy the same upon the prop-



erty of the delinquent; and after thirty days advertising, as provided above, to sell the same at public auction to the highest bidder in front of the Mayor's office, between the hours of 9 o'clock a. m. and 4 o'clock p. m., for cash or City Certificates, and apply the proceeds of same to the payment of said tax; provided, that in case town lots, or improvements on town lots, are sold for taxes, the original owner shall have the right to redeem the same within twelve months from date of sale by paying the purchaser of said lots or improvements the amount paid by him for such property with twenty-five per cent. additional. And any person failing to redeem such property within the time specified shall forfeit the same; and the party purchasing said property shall apply to the Clerk of the Town Council who shall issue to him a tax title to the property purchased, and which shall be approved by the mayor. The Clerk's fees, as contemplated by this ordinance, shall be the sum of fifty cents together with the cost of advertising by him. The Constable's fees shall be ten per cent. of the amount collected and paid over, together with the cost of his advertising as provided above; *provided further*, that any delinquent who may feel himself aggrieved by the act of the Assessor in valuing his property, may, at any time before the execution is issued as provided above, file his complaint in writing before the Mayor of the town, setting forth the facts; which complaint, after ten days' notice, shall be heard and considered by the Court, and judgment given accordingly. The town, by its representative, shall answer as defendant in the above case, and the party losing shall pay the cost in said suit.

ORDINANCE LI.

LAYING TAXES AND PROVIDING FOR THEIR USE.

Pursuant to the authority vested by law in this Corporation there is hereby laid a tax of two fifths of one per cent., or forty cents on each one hundred dollars worth of property as assessed within the corporate limits of this town, which shall be collected in the manner provided by ordinance of this town dated January 15, 1890, and which shall be for the purpose of paying the two Constables their salary of \$30.00 per month, for the building of a town jail at \$205.00, and for the payment of \$75.00 for printing the ordinances of the town, for incidental expences of the offices of Mayor and Clerk, and for such improvements of the streets of Tahlequah as will consume the remainder of the sum obtained, after deducting the amounts necessary to cover the above stated expenses; and the amounts above provided for are hereby appropriated for the purposes named respectively; and the Mayor is hereby authorized to draw warrants at times and in manner hereafter to be provided by ordinance, except as already provided for. (March 11, 1890.)

ORDINANCE LII.

EQUALIZING THE ASSESSMENT OF TAXES.

The Town Council is hereby created an Equalizing Board to act as such after the Assessor shall have finished his assessments. Upon his report of the same to the Town Council at a regular meeting, it shall be the duty of the

said Board to thoroughly examine the said assessments, and if it shall appear in any instance that property has been under (or over) valued in the judgment of the Board, the owner shall be summoned to appear and show cause (if any) why the property should not be reassessed; no good reason or ground appearing to the contrary, the Board shall proceed to reassess such property, which valuation by the Board shall be the true assessment of said property upon which tax shall be levied and paid accordingly.

ORDINANCE LIII.

HOW AN EVASION MAY BE DISCOVERED.

Whenever the Constable shall have reason to believe that any person in debt to the Corporation—the collection of which debt is made the duty of the Constable—is evading the payment of the amount due by means of false representation, the Constable will be authorized to take such person before the Mayor or Town Clerk to be placed under oath in regard to the truth of the matters involved, and to produce any other evidence in reference thereto as he may be enabled to submit, and the Mayor or Clerk may require; and all ordinances or parts of ordinances conflicting with this Ordinance are hereby repealed.

ORDINANCE LIV.

LAWYERS—MUST OBTAIN LICENSE.

Any person who shall apply to practice law before the

Mayor's Court shall, before being allowed to practice, pay to the Town Clerk the sum of two dollars and fifty cents for license, which shall accordingly be issued by the Town Clerk.

ORDINANCE LV.

SHOWS.

Before any citizen of the United States, not a citizen of this Nation or Foreigner, shall be allowed to exhibit a circus or other pavillion performance or entertainment for the purpose of gain, he shall be required to obtain a license from the Mayor and Clerk, stating in detail the kind of performance or entertainment, number persons with name of each associated and forming the Company, the time and number of entertainments then to be given, and such regulations and conditions with regard to the peace of the town as the Mayor shall deem to be advisable or necessary, and shall pay for such license a sum not less than twenty-five dollars nor more than fifty dollars for the privilege of giving a circus performance, and from five to ten dollars for side oa minstrel shows.

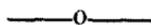
ORDINANCE LVI.

TOWN CONTRACTS TO BE DULY AUTHORIZED.

No account against this Corporation shall be allowed and paid unless the contract for service or other consid-

eration be made or approved by the Mayor or Town Clerk in pursuance of an existing ordinance authorizing them or either of them or a third party to enter in such contract on behalf of the town, or unless the contract shall be directly and formally authorized by the Town Council to be made and concluded.

SPECIAL ORDINANCES.



ORDINANCE LVII.

MAKING CERTAIN GRANTS TO RICHARD ADAMS AND ROY WOLFE.

Whereas Richard Adams and Roy Wolfe, citizens of this Nation, have acquired and opened a public Park within the Town of Tahlequah, and contemplate such improvements as will make the enterprise of much benefit to the inhabitants of said town; Therefore—

SEC. 1. It is ordained that the said Richard Adams and Roy Wolfe shall have and be protected in the exclusive privilege of selling refreshments within the limits of the said Park upon the payment by them of—per month into the Town Treasury.

SEC. 2. The said Richard Adams and Roy Wolfe shall be protected in the exercise of the exclusive right to give at any time public exhibitions and entertainments within the said park—provided they pay for the benefit of this town ten per cent. of the gross receipts of each exhibition or entertainment; and the Constable is hereby directed to be present at all such entertainments, and to collect and turn over the amounts that shall become due upon each successively. He shall be at or about the gate of the park

for that purpose, and also to exclude or summarily eject all persons who shall not have permission from the owners to enter. Should any person succeed in entering said park, and in being present during any entertainment without obtaining permission from the owners, such person shall be subject to be fined in an amount double the price of admission, for the benefit of said Adams and Wolfe, and also the cost.

ORDINANCE LVIII.

PROVIDING FOR THE PUBLICATION OF THE TOWN ORDINANCES.

The Mayor and Town Clerk are hereby authorized to enter into contract with the TELEPHONE PUBLISHING Co., per Dillard Wilson, for the printing in pamphlet form of the Ordinances of the Town of Tahlequah—the revision and proof-reading of same to be otherwise provided for—and the said Printing Company are required to give bond in the sum of fifty dollars for the printing and delivery of said printed ordinances within thirty days from the signing of the contract. (July 9, 1890.)
