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# ACTS

--OF THE--

## NATIONAL COUNCIL



Authorizing and Directing the Sale of In-  
truder Improvements.



Tahlequah, I. T.

Sentinel Print.

1897.

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# AN ACT

## Providing for the Sale of Improvements Left by Intruders.

BE IT ENACTED BY THE NATIONAL COUNCIL:

That the District Sheriffs, wherein said places are located, are authorized to receive and take possession of, on behalf of the Cherokee Nation, all improvements which have been made or occupied by Intruders upon the Cherokee domain, when such improvements shall be voluntarily relinquished, or when the United States shall expel the intruder therefrom, in compliance with stipulations of treaty. And the said District Sheriffs are further authorized and directed to dispose of each of the said improvements for the benefit of the Cherokee Nation, and that fifty (50) per cent of the moneys derived therefrom shall be placed to the credit of the General Fund, thirty-five (35) per cent to the credit of the School Fund, and fifteen (15) per cent to the credit of the Orphan Fund, as soon as

practicable after taking possession in conformity with the following regulations:

First. The improvements shall each be sold separately to the highest bidder, after a public notice of the sale for at least thirty days in the Cherokee Advocate and by such other means as the sheriffs may find practicable. The notice shall contain a statement in detail of what the improvement consists, its extent, condition and location, and shall precisely specify the day and the time of day, and not earlier than 1 o'clock p. m., the sale will be made, and the particular place in the District.

Second. All bona fide citizens of the Cherokee Nation shall be equally entitled to bid, provided the citizen so entitled shall own no farms in the Cherokee Nation at the time of the sale, of more than one hundred and sixty (160) acres, altogether; and no citizen shall be permitted to purchase more than one improvement, and not to include more than one hundred and sixty (160) acres; and should there remain any surplus of improved land in any case, the Sheriff will be authorized to sell the right of occupancy of any such surplus as a separate improvement, or to report such surplus for future disposition, at his discretion, as authorized to be sold under the provisions of this act; and all bidders before being allowed to bid shall make satisfactory showing to the Sheriff of the District wherein such improvement is located, of his competency to bid as defined by this act.

Third. Payments shall be made in cash, national

warrants or national certificates, and in six equal installments: the first installment to be paid immediately after the award is made. The Sheriff making the sale will be required to give the purchaser a receipt for the first installment, and thereafter as they fall due and are paid.

Fourth. A forfeiture of the improvement to the Nation, with all previous payments shall follow the non-payment of any installment when due, unless the installment be paid within three months after becoming due. A like forfeiture shall follow from any transfer of the improvement by the purchaser, under this act, before the last installment is made, and no commutation of payment is permitted. When any improvement shall become forfeited to the Nation, the Sheriff shall proceed, without unnecessary delay, to again sell the same under the regulations of this act.

Fifth. The sale of improvements under this act shall convey no right or title in the land, and no rights whatever as regards land except the right of occupancy—such only as would be vested in the purchaser had he made the improvement or bought it from another citizen in the exercise of rights belonging to all citizens of the Cherokee Nation under the Cherokee Constitution.

Sixth. Lawfully appointed guardians of orphans shall be allowed to bid on behalf of the orphans under their charge, provided that the orphan has no farm or farms of their own of one hundred and sixty (160) acres

at the time of sale.

Seventh. The Sheriffs shall sell the improvements in the District where they are situated respectively; and they are authorized to sell as many improvements on the same day, and to sell at such intervals of days, as in their judgment will best subserve the interests of all concerned. The said Sheriffs shall within ten days after such sales in their respective Districts make a complete report of such sales in their respective Districts, by whom purchased, and amount paid, to the Principal Chief, and turn over to the National Treasurer all proceeds of such sales, after deducting five (5) per centum of all moneys collected by him as his fees and all expenses as contemplated by this act.

Eighth. Should any purchaser die before any installment is paid, his heirs or legal representatives shall be vested with the same right and be required to assume the same liabilities as the deceased purchaser, as regards the improvements purchased and the installments unpaid.

Ninth. In order to give all the citizens competent to buy under this act, an equal chance to make their selections from the improvements to be sold, the National Treasurer is directed, as soon as his report upon improvements forfeited by intruders is made to the Principal Chief, to prepare from such report, and from any other available sources, as full a description of all such improvements as practicable, including kind, extent, condition and location; and to have five hundred (500) copies of

of such description, in both English and Cherokee, printed and distributed throughout the Nation for general information. The Principal Chief shall furnish certified copies of all intruder improvements made since August 11, 1886, to such Sheriffs as will come within their Districts, from which such Sheriff shall make his sales, as required by this act.

Be it further enacted, That the said Sheriffs, before entering upon their duties, and for the faithful performance of the same, as above imposed, shall file with the Principal Chief an additional bond with surities satisfactory to the Principal Chief. The bond of the Sheriffs of Cooweescoowee, Delaware and Sequoyah Districts shall be twenty-five thousand (\$25,000) dollars each, and that of the Sheriffs of the remaining Districts ten thousand dollars each.

Be it further enacted, That after the first installment is paid by any purchaser of such improvements, he shall be placed in possession of such improvement by the Sheriff. Should there be found a citizen of the Cherokee Nation in possession of such improvement bought, the Sheriff shall, without further proceeding, eject such citizen for this purpose.

Be it further enacted, That it shall be the duty of the Principal Chief to furnish to each of the District Clerks a list of the names of all persons who have been expelled from this Nation as intruders, and no permit shall be issued by any Clerk in favor of any such persons under

penalty of the immediate removal of such Clerk from office.

Passed the Senate September 30, 1895.

C. W. WILLEY,

Clerk of Senate.

T. J. MONROE,

Pres. of Senate pro tem.

Concurred in by the Council, this, the 30th day of September, 1895, with the following amendment: In Section two, in lines 7 and 8, strike out "one-hundred and sixty." and insert in lieu thereof, "one-hundred." In Section 3, in line 3, insert "annual" between "equal" and "installments." In Section 6, in lines 6 and 7, strike out "one-hundred and sixty," and insert in lieu thereof "one-hundred," also.

Be it further enacted, That any person, a citizen of the Cherokee Nation, by misrepresentation to the Sheriff as to the land occupied or enclosed by him or her, shall purchase any improvement sold by the Sheriff under the provisions of this act, shall forfeit all installments paid, and the Sheriff shall re-sell as other intruder improvements.

J. H. Dick,

Clerk of Council.

BIRD JONES,

Speaker of Council.

Amendment Concurred in.

C. W. WILLEY,

Clerk of Senate.

C. L. WASHBOURN

President of Senate pro tem.

Approved October 1st, 1895.

C. J. HARRIS,

Principal Chief C. N.

# AN ACT

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## To Amend an Act Relating to Improvements of Intruders.

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BE IT ENACTED BY THE NATIONAL COUNCIL:

That the Act of the National Council, approved September, 30 1895, authorizing the sale of certain intruder improvements, be, and the same is hereby so amended that the Sheriffs of the several Districts are hereby authorized and required to sell all the improvements of intruders who have been paid for the same, by the National Treasurer, by authority of the Cherokee Nation, under the terms, regulations and conditions specified in said Act to govern the sale of intruder improvements. In line seven, after the word "Treasurer" insert the following: "and who shall have been tendered pay by the same, together with all other improvements erected or made on the public domain of the Cherokee Nation by intruders since August 11, 1886. Provided, That in case a suit, or suits at law shall become necessary in order to obtain possession of any improvements so sold, the Principal Chief shall be authorized and empowered to employ such

legal assistance as he may deem to be required, at the expense of the Nation, and to make report of his proceeding under this act to the National Council at its next session."

Passed the Senate Dec. 21st, 1895.

BROWN HITCHCOCK,

Clerk of Senate.

SAMUEL SMITH,

President of Senate.

Concurred in by the Council Dec. 21st, 1895.

JOHN R. LEACH,

Clerk of Council.

JOHNSON SIMMONS,

Speaker of Council

Approved Dec. 21st, 1895.

S. H. MAYES,

Principal Chief, C. N.

## An Act.

To amend an act entitled "an act to amend an act relating to improvements of Intruders" approved Dec. 21st, 1895

Be it enacted by the National Council:

That the act entitled "an act to amend an act relating to improvements of Intruders" approved Dec. 21st. 1895, be so amended as to read as follows: "That the act of the National Council approved Oct. 1st, 1895, authorizing the sale of certain Intruder improvements, be and the same is hereby amended that the sheriffs of the several Districts are hereby authorized and required to sell all the improvements of Intruders in their respective Districts, who have

been paid by the Treasurer of the Cherokee Nation the appraised value of the same as provided in an act of Congress approved March 3rd, 1893, and who have been tendered payment for the same together with all others improvements erected on the public domain of the Cherokee Nation by Intruders since August 11th, 1886, and the Intruder improvements by this act authorized to be sold by the said sheriffs, shall be sold upon the same terms and under the same conditions and regulations which are required to govern the sale of Intruder improvements in and by the act hereby amended approved Oct. 1st, 1895. Provided, That in case a suit or suits at law shall become necessary to obtain possession of any improvements so sold the Principal Chief shall be authorized and empowered to employ such legal assistance and contract such other necessary expenses as he may deem to be required at the expense of the Nation and to make report of his proceedings under this act to the National Council at its next session. Provided Further, That in case suits are instituted in the United States courts for the Indian Territory by the purchasers of that class of improvements held by Intruders made prior to August 11th, 1886, appraised in accordance with the act of Congress approved March 3rd, 1893, and the amount for which said improvements was appraised was rejected by the Intruder in possession thereof. The Treasurer of the Cherokee Nation is authorized and directed in the name of the Plaintiff of the suit to tender the amount for which said improvement was appraised into

the court of which said suit is instituted subject to the action of said court.

All laws or parts of laws inconsistent with this act are hereby repealed.

Passed the Senate April 2nd, 1896.

RICHARD M. WOLFE

E. L. COOKSON

Clerk of Senate.

President of Senate Pro. Tem.

Concurred in by the Council April 2nd, 1896

JOHN R. LEACH,

JOHN W. SHARP

Clerk of Council.

Speaker of Council Pro. Tem.

Approved April 3rd, 1896

S. H. MAYES,

Principal Chief C. N.

## SENATE BILL No. 41.

### An Act to Amend an Act Relating to Improvements of Intruders.

Be it Enacted by the National Council:

That the Act entitled "An Act to Amend an Act Relating to Improvements," approved December 21, 1895, approved April 23, 1896, be amended by striking out of said act the following language: "Provided further that in case suits are instituted in the United States court, for the Indian Territory, by the purchase of that class of improvements, held by intruders, made prior to August 11,

1896, approved in accordance with the act of Congress, Approved March 3, 1893; and the amounts for which said improvements were appraised were rejected by the intruder in possession thereof, the Treasurer of the Cherokee Nation is authorized and directed in the name of the plaintiff of the suit to tender the amount for which said improvement was appraised into the court of which said suit was instituted, subject to the action of said court."

Be it further enacted by the National Council, That the Treasurer be, and he is hereby authorized and directed to refuse payment to that class of intruders whose improvements were appraised, and who refused the appraised value when tendered by the Treasurer, as provided in act of the National Council approved September 20, 1895.

Passed the Senate December 4, 1896.

**BROWN HITCHCOCK,**      **SAMUEL SMITH,**

Asst. Clerk of Senate.

President of Senate.

Passed the Council December 5, 1896.

**JOHN R. LEACH,**      **JOHNSON SIMMONS,**

Clerk of Council.

Speaker of Council.

Approved December 5, 1896.

**WASH SWIMMER,**

Assistant and Acting Principal Chief C. N.

