GUACANAGARI PONTIAC BLACK HAWK
MONTEZUMA CAPTAIN PIPE KEOKUK
GUATIMOTZIN LOGAN SACAGAWEA
POWHATAN CORNPLANTER BENITO JUAREZ
POCAHONTAS JOSEPH BRANT MANGUS
SAMOSET RED JACKET COLORADAS
MASSASOIT LITTLE TURTLE LITTLE CROW
KING PHILIP TECUMSEH SITTING BULL
UNCAS OSCEOLA CHIEF JOSEPH
TEDYUSKUNG SEQUOYA GERONIMO
SHABONEE

TO PERPETUATE THE HISTORY AND DEVELOPMENT OF THE PEOPLE REPRESENTED BY THE ABOVE CHIEFS AND WISE MEN THIS COLLECTION HAS BEEN GATHERED BY THEIR FRIEND

EDWARD EVERETT AYER

AND PRESENTED BY HIM
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1911

L. H. Hildebrand
his Law Book
August the 18th 1853

To His Excellency
Board Salomon
Governor of the state of Wisconsin

A. Hafs
2d Asst. Surgeon 9th Reg't W.V.
June 20th 1862
Camp near Barter's spring
Kansas.

# LAWS

OF

# THE CHEROKEE NATION:

ADOPTED

BY THE COUNCIL

AT

## VARIOUS PERIODS.

———o:o———

PRINTED FOR THE BENEFIT OF THE NATION.

———o:o———

CHEROKEE ADVOCATE OFFICE:

*TAHLEQUAH, C. N.*

———o:o———

1852.

# LAWS

OF

# THE CHEROKEE NATION.

———o:o———

*Resolved by the Chiefs and Warriors in a National Council assembled*, That it shall be, and is hereby authorized, for the regulating parties to be organized to consist of six men in each company; one Captain, one Lieutenant and four privates, to continue in service for the term of one year, whose duties it shall be to suppress horse stealing and robbery of other property within their respective bounds, who shall be paid out of the National annuity, at the rates of fifty dollars to each Captain, forty to the Lieutenant, and thirty dollars to each of the privates; and to give their protection to children as heirs to their father's property, and to the widow's share whom he may have had children by or cohabited with, as his wife, at the time of his decease, and in case a father shall leave or will any property to a child at the time of his decease, which he may have had by another woman, then, his present wife shall be entitled to receive any such property as may be left by him or them, when substantiated by two or one disinterested witnesses.

*Be it resolved by the Council aforesaid*, When any person or persons which may or shall be charged with stealing a horse, and upon conviction by one or two witnesses, he, she, or they, shall be punished with one hundred stripes on the bare back, and the punishment to be in porportion for stealing property of less value; and should the accused person or persons raise up with arms in his or their hands, as guns, axes, spears and knives, in opposition to the regulating company, or should they kill him or them, the blood of him or them

shall not be required of any of the persons belonging to the regulators from the clan the person so killed belonged to.

Accepted.—BLACK FOX, Principal Chief,
PATH KILLER, Sec'd.
TOOCHALAR.

CHAS. HICKS, Sec'y to Council.
*Brooms Town*, 11th Sept., 1808.

———o:o———

*Be it known*, That this day, the various clans or tribes which compose the Cherokee Nation, have unanimously passed an act of oblivion for all lives for which they may have been indebted, one to the other, and have mutually agreed that after this evening the aforesaid act shall become binding upon every clan or tribe; and the aforesaid clans or tribes, have also agreed that if, in future, any life should be lost without malice intended, the innocent aggressor shall not be accounted guilty.

*Be it known, also*, That should it happen that a brother, forgetting his natural affection, should raise his hand in anger and kill his brother, he shall be accounted guilty of murder and suffer accordingly, and if a man has a horse stolen, and overtakes the theif, and should his anger be so great as to cause him to kill him, let his blood remain on his own conscience, but no satisfaction shall be demanded for his life from his relatives or the clan he may belong to.

By order of the seven clans.

TURTLE AT HOME,
Speaker of Council.

Approved.—BLACK FOX, Principal Chief,
PATH KILLER, Sec'd,
TOOCHALER.

CHAS. HICKS, Sec'y to the Council.
*Oostanallah*, April 10, 1810.

———o:o———

WHEREAS, fifty-four towns and villages have convened in order to deliberate and consider on the situation of our Nation, in the disposition of our common property of lands, without the unanimous consent of the members of Council, and

in order to obviate the evil consequences resulting in such course, we have unanimously adopted the following form for the future government of our Nation.

Art. 1st. It is unanimously agreed that there shall be thirteen members elected as a Standing Committee for the term of two years, at the end of which term they shall be either re-elected or others; and in consequence of the death or resignation of any of said Committee, our head Chiefs shall elect another to fill the vacancy.

Art. 2d. The affairs of the Cherokee Nation shall be committed to the care of the Standing Committee; but the acts of this body shall not be binding on the Nation in our common property and without the unanimous consent of the members and Chiefs of the Council, which they shall present for their acceptance or dissent.

Art. 3d. The authority and claim of our common property shall cease with the person or persons who shall think proper to remove themselves without the limits of the Cherokee Nation.

Art. 4th. The improvements and labors of our people by the mother's side shall be inviolate during the time of their occupancy.

Art. 5th This Committee shall settle with the Agency for our annual stipend, and report their proceedings to the members and Chiefs in Council; but the friendly communications between our head Chiefs and the Agency shall remain free and open.

Art. 6th. The above articles for our government, may be amended at our electional term, and the Committee is hereby required to be governed by the above articles, and the Chiefs and Warriors in Council, unanimously pledge themselves to observe strictly the contents of the above articles.—Whereunto we have set our hands and seals at Amoah, this 6th day of May, one thousand eight hundred and seventeen.

Approved in Council, on the day and date above written.

EHNAUTAUNAUEH,
Speaker of the Council.

Approved of the within government by the head Chief,
PATH KILLER.

A. McCOY, Sec'y to the Council,
CHAS. HICKS.

*Unanimously agreed*, That schoolmasters, blacksmiths, millers, salt petre and gun powder manufacturers, ferrymen and turnpike keepers, and mechanics are hereby privileged to reside in the Cherokee Nation under the following conditions, viz:

Their employers procuring a permit in the National Committee and Council for them and becoming responsible for their good conduct and behaviour, and subject to removal for misdemeanor; and further agree, that blacksmiths, millers, ferrymen and turnpike keepers, are privileged to improve and cultivate twelve acres of ground for the support of themselves and familes, should they please to do so.

JNO. ROSS, Pres't Nat'l Com.

A. McCOY, Cl'k Nat'l Com.

In Committee, New Town, Oct. 26th, 1819.

———o:o———

*This day decreed by the National Committee and Council*, That all citizens of the Cherokee Nation, establishing a store or stores for the purpose of vending merchandize, shall obtain license for that purpose from the Clerk of the National Council, for which, each and every person so licensed, shall pay a tax of twenty-five dollars per annum, and that no other but citizens of the Cherokee Nation shall be allowed to establish a permanent store within the Nation. And it is also decreed that no pedlar or pedlars, not citizens of the Nation, shall be permitted to vend merchandize in the Nation, without first obtaining lisense from the Agent of the United States for the Cherokee Nation, agreeably to the laws of the United States; and each and every one so licensed, shall pay eighty dollars to the treasury of the Cherokee Nation per annum, and all such person or persons, so licensed, shall obtain a receipt on the back of his or their license from the Treasurer for the sum so paid; and in case any person or persons violate this decree, he or they shall forfeit and pay a fine of two hundred dollars to the National treasury, and it shall be the duty of the Regulators or Lighthorse to collect the same—and any person discovering and giving information of the same, shall be entitled to the sum of twenty-five dollars. And it is also, hereby further decreed, that no person or persons, not citizens of the Nation, shall bring into the Nation and sell, any spirituous liquors, and all such person or persons so offending, shall

.orfeit the whole of the spirituous liquors that may be found in his or their possession, and the same shall be disposed of for the benefit of the Nation; and if any person or persons, citizens of the Nation, shall receive and bring into the Nation, spirituous liquors for disposal, and the same or any part thereof, be found to be the property of person or persons not citizens of the Nation, and satisfactory proof be made of the fact, he or they shall forfeit and pay the sum of one hundred dollars, and the whiskey be subject to confiscation as aforesaid, and this decree to take effect from and after the first day of January, one thousand eight hundred and twenty, and to be strictly enforced; *Provided, nevertheless*, that nothing shall be so construed in this decree, as to tax any person or persons bringing sugar, coffee, salt, iron, and stleel, into the Cherokee Nation for sale; but no permanent establishment for the disposal of such articles can be admitted to any persons not citizens of the Nation.

JNO. ROSS, Pres't N. Com.
his
Concurred—PATH ✗ KILLER,
mark.
CHAS. R. HICKS.

A. McCOY, Clerk.
*New Town*, 28th Oct., 1819.

———o:o———

*In Committee, New Town, Cherokee Nation, October 30th*, 1819.

Whereas, The Big Rattling Gourd, Wm. Grimit, Betsey Broom, the Dark, Daniel Griffin, and Mrs. Lesley, having lodged complaint before the Chiefs, of a certain company of persons having formed a combination, and establishing a turnpike arbitarily, in opposition to the interest of the above named persons, proprietors of a privileged turnpike on the same road:

*Be it now, therefore known*, That said complaint having been submitted by the Council to the National Committee for a decision, and after maturely investigating into the case, have decreed, that the said new company of the disputed turnpike shall be abolished, and that the above named persons are the

only legal proprietors and privileged company to establish a turnpike on the road leading from widow Fool's, at the forks of Hightower and Oostenallah river to Wills creek, by way of Turkey Town; and the said company shall be bound to keep in repair said road, to commence from the first creek east of John Fields, Sr., known by the name, where Vann was shot, and to continue westward to the extent of their limits, and that the widow Fool shall also keep in repair, for the benefit of her ferry at the fork, the road to commence from the creek above named to where Ridge's road now intersects said road east of her ferry, and that the Ridges shall also keep in repair the road to commence at the Two Runs, east of his ferry, and to continue by way of his ferry as far as where his road now intersects the old road, leading from the fork west of his ferry; and that also the Hightower turnpike company shall keep in repair the road from the Two Runs to where it intersects the Federal road, near Blackburn's; and

*Be it hereby resolved*, That no person or persons whatsoever, shall be permitted to cut out any road or roads leading from any main road now in existence, so as to intersect the same again and to the injury of the interest of any person or persons residing on said road, without first getting an order from the National Council for the opening of said road; and person or persons violating this decree, contained in the foregoing resolution, shall be subject to such punishment and fines as the National Council and Committee may hereafter decide and inflict, on such case as may be brought before them for trial.

JNO. ROSS, Pres't Com.

his

Approved —PATH ⋈ KILLER,

mark.

CHAS. HICKS.

A. McCOY, Clerk.

———o:o———

*New Town, Cherokee Nation, November 1st*, 1819.
*In Committee.*

THE National Committee have taken up the case sumbmitted to them by the Council relating to the exchange of horses

between Otter Lifter and a runaway negro man, belonging to Wm. Thompson. The horse delivered to Otter Lifter by said negro man was proven away from him, and the question submitted to the Committee was, whether or not, the master of the negro man, Wm. Thompson, should be accountable to the Otter Lifter for the horse so proved away from him on account of the transgression of his said negro man; the Committee therefore have decided that Wm. Thompson ought not to be accountable for the contract entered into with his runaway negro man by any person contrary to his approbation, and, *Resolved by the Committee*, that no contract or bargain entered into with any slave or slaves, without the approbation of their masters shall be binding on them.

JNO. ROSS, Pres't N. Com.
his
PATH ⋊ KILLER,
mark.
CHAS. R. HICKS.

A. McCOY, Clerk.

———o:o———

*New Town, Cherokee Nation, November 1st*, 1819.
*In Committee.*

*Resolved by the National Commitee and Council*, That any person or persons employing or instigating any person or persons whatsoever, to steal the property of another, and such person or persons being tried and convicted upon satisfactory proofs, shall forfeit and pay the value of the property so stolen, and be punished alike with the person or persons so employed to steal, agreeably to the sentence of such a trial.

By Order—JNO. ROSS, Pres't N. Com.
his
Approved—PATH ⋊ KILLER,
mark
CHAS. R. HICKS.

A. McCOY, Clerk.

———o:o———

*Resolved by the National Committe and Council*, That in case any person or persons, citizens of the Nation, not enrol-

led for the Arkansas country, who has or may take possession of, and occupy any improvement or place where Arkansas emigrants had left before any privileged emigrants to continue in this Nation, shall retake possession of such place or places aforesaid, shall be entiled to an exclusive right of the same.

By order—JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋊ KILLER,

mark

CHAS. R. HICKS.

A. McCOY, Clerk.

——o:o——

*New Town, Cherokee Nation, November 2nd,* 1819.

*Resolved by the National Committee and Council,* That any white man who shall hereafter take a Cherokee woman to wife be required to marry her legally by a minister of the gospel or other authorized person, after procuring license from the National Clerk for that purpose, before he shall be entitled and admitted to the privilege of citizenship, and in order to avoid imposition on the part of any white man,

*Resolved,* That any white man who shall marry a Cherokee woman, the property of the woman so marry, shall not be subject to the disposal of her husband, contrary to her consent, and any white man so married and parting from his wife without just provication, shall forfeit and pay to his wife such sum or sums, as may be adjudged to her by the National Committee and Council for said breach of marriage, and be deprived of citizenship, and it is also resolved, that it shall not be lawful for any white man to have more than one wife, and it is also recommended that all others should also have but one wife hereafter. By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋊ KILLER,

mark

CHAS. R. HICKS.

A. McCOY, Clerk. ——o:o——

*New Town, Cherokee Nation, October 25th,* 1820.

*Resolved by the National Committee and Council,* That

single white men are hereby admitted to be employed as clerks to any of the stores belonging to natives, which may be established in this Nation, on condition, that the employer obtains a permit and becomes responsible for the good behavior of such clerks, and it is also resolved, that any person or persons, whatsoever, who shall bring into the Cherokee Nation, without permission from the National Committee and Council, a white family, and rent lands to the same, and proofs being authenticated before any of the judges in the district Councils, for such offences they shall forfeit and pay the sum of five hundred dollars, and one hundred stripes on the bare back.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.
his
PATH ⋊ KILLER,
mark
CHAS. R. HICKS.

A. McCOY, Clerk.

———o:o———

*New Town, Cherokee Nation, October 20th, 1820.*

*Resolved by the National Committee and Council,* That the Cherokee Nation shall be laid off into eight districts, and that a council house shall be established in each district for the purpose of holding councils to administer justice in all causes and complaints that may be brought forward for trial, and one circuit judge, to have jurisdiction over two districts, to associate with the district judges in determining all causes agreeable to the National laws, and the marshals to execute the decisions of the judges in their respective districts, and the District Councils to be held in the spring and fall seasons, and one company of lighthorse to accompany each circuit judge on his official duties, in his respective districts, and to execute such punishment on theives as the Judges and Council shall decide, agreeably to law, and it shall be the duty of the marshals to collect all debts, and shall be entitled to eight per cent. for the same; and the Nation to defray the expences of each District Council, and in case of opposition to the marshals in execution of their duty, they shall be justifiable

in protecting their persons from injury in the same manner as is provided for the National lighthorse by law.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋊ KILLER,

mark

CHAS. R. HICKS.

A. McCOY, Clerk.

——o:o——

*New Town, Cherokee Nation, October 25th*, 1820.

*Resolved by the National Committee and Council*, That a ranger shall be appointed in each district, whose duty it shall be to receive, post and advertise all stray horses that may be found in their respective districts, giving the age, height, color, and marks as plain as possible, and should the proper owner not reclaim his horse or horses in two months after posting such horse or horses, they shall be sold at public sale, on six months credit, and the purchaser keeping such horse or horses six months, and should the proper owner not reclaim his horse or horses in that time, such horse or horses to be the rightful property of the purchaser; the money arising from the sales, to be paid into the National Treasury, and the ranger shall be entitled to one dollar for every horse so posted; and it shall further be the duty of the ranger to endeavor to place in good hands, all work horses for keeping on account of their labor, or otherwise; one dollar per week shall be allowed for keeping a horse on forage.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋊ KILLER,

mark

CHAS. R. HICKS.

A. McCOY, Clerk.

——o:o——

*New Town, Cherokee Nation, October 25th*, 1820.

*Resolved by the National Committee and Council*, that

each head of a family shall pay a poll tax of fifty cents, and each single man under the age of sixty years shall also pay fifty cents per annum, to be collected by the Marshals in each District, and paid into the National Treasury, to be applied for such purposes as the National Committee and Council shall deem proper.

By order of the National Committee.

JNO. ROSS, Pres't N. Com

his

Approved—PATH ⋈ KILLER,

mark

CHAS. R. HICKS.

A. McCOY, Clerk.

——o:o——

*New Town, Cherokee Nation, October 25th,* 1820.

*Resolved by the National Committee and Council,* That a National turnpike gate shall be erected on the Federal road, near Captain David McNair's, and the rates of toll shall be equal to that of the turnpike on the Nicojack road, at Hicks', and the rates of the turnpike toll at Coosewatee shall be reduced so as to make it equal to the one on the Nickojack road; and it is also resolved, that those persons who have entered into contract for the repairing of the Federal road, shall be bound in the penalty of the sum contracted for each payment, for the faithful performance of their contracts for putting the road in good repair.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋈ KILLER,

mark

CHAS. R. HICKS.

A. McCOY, Clerk.

——o:o——

*New Town, Cherokee Nation, October 26th,* 1820.

WHEREAS, much inconvenience and expense have devolved on the Missionaries from their scholars running away from

school, and the negligence on the part of the parents to take such childred back to schools; therefore,

*Resolved by the National Committee and Council,* That in future, any scholar or scholars who are now, or may hereafter be put under the tuition of the Missionary Seminaries in the Cherokee Nation by the voluntary consent of their parents or guardians, who shall leave such schools without permission from their teachers, and without just provication, and shall return home to their parents or guardians, and after application being duly made by any person authorized by the superintendants of the Mission establishments from which such scholars ran away, to the parents or guardians, refusing to take proper measures to compel their children to return to school, they shall be bound to pay all expenses incurred by their children to the Mission establishment for clothing, board and tuition, to the superintendants of such institutions; and further,

*Resolved,* That the superintendants of the Missionary stations shall have privilege to take out of their schools such scholars as they shall deem proper, with the consent of their parents or guardians, and bind them out to learn such mechanical trades as may be attached to their respective establishments, to the best interest of the apprentices so bound; and in case of elopement of such apprentices, the same rules and regulations provided for in the foregoing resolution, shall be observed, and that the Nation shall procure, at the public expense, a set of tools for every such apprentice who shall have faithfully served his time and shall have learned a trade.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.
his
PATH ⋈ KILLER,
mark
CHAS. R. HICKS.

A. McCOY, Clerk.

———o:o———

*New Town, Cherokee Nation, November 2d,* 1820.

*Resolved by the National Committee and Council,* That

each District shall be entitled to four members to represent them in the National Council, and that each member shall be allowed one dollar per day for their services during the sitting of the Councils, and that a Speaker to the Council be appointed and allowed one dollar and fifty cents per day for his services, and the clerk of the Council be allowed two dollars and fifty cents per day, and that the two principal Chiefs, viz: The Path Killer, shall be allowed one hundred and fifty dollars per annum, and Charles R. Hicks, two hundred dollars per annum, considering the burden of writing and interpreting which devolves on him entitles him to this difference; and

*Be it resolved, also,* That each Committeeman be allowed two dollars per day, and the President of the Committee be allowed three dollars and fifty cents per day, and their clerk two dollars and fifty cents per day, during the sitting of the National Council; and a member of the Committee shall be chosen as an Interpreter, and be allowed fifty cents per day in addition to his pay.

By order of theNational Committee.

JNO ROSS, Pres't Com.
EHNAUTAUNAUEH,
Speaker of Council.
his
Approved —PATH ⋊ KILLER,
mark.
CHAS. R. HICKS.

A. McCOY, Clerk.

———o:o———

*Resolved by the National Committee and Council,* That the Cherokee Nation be organized and laid off in Districts, and to be bounded as follows;

1st. The first District shall be called by the name of *Chickamaugee*, and be bounded as follows: beginning at the mouth of Aumuchee creek, on Oostennallah river, thence north in a straight course to a spring branch between the Island and Rackoon village, thence a straight course over the Lookout Mountain, where the heads of Will's and Lookout creeks opposes against each other on the Blue Ridge, thence a straight course to the main source of Rackoon creek, and

down the same into the Tennessee river, and up said river to the mouth of Ooletiwah creek, and up said creek to take the most south eastern fork, thence a southern course to the mouth of Sugar creek, into the Cannasawgee river, and down the said river to its confluence with Oostennallah river, and down the same to the place of beginning.

2d. The second District shall be called by the name of *Challoogee*, and be bounded as follows; beginning on the mouth of Rackoon creek, in the Tennessee river, and down the said river to the boundary line, commonly called Coffee's line, and along said line where it strikes Will's creek, and down the said creek to its confluence with the Coosa river, and thence embracing the boundary line between the Cherokees and Creeks, run by Wm. McIntosh and other Cherokee Commissioners by their respective Nations, running south eastwardly to its intersection with Chinibee's trace, and along said trace leading eastwardly by Avery Vann's place, including his plantation, and thence on said trace to where it crosses the Etowah river, at the old ford above the fork, and down said river to its confluence with Oostannallah river, and up said river to the mouth of Annuchee creek, and to be bounded by the first District.

3d. The third District shall be called by the name of *Coosewatee*, and bounded as follows; beginning at the widow Fool's ferry, on Oostannallah river, where the Alabama road crosses it, along said wagon road eastwardly, leading towards Etowah town to a large creek above Thomas Pettit's plantation, near to the Sixes, and said creek, north-eastward, to its source; thence a straight course to the head of Talloney creek, up which the Federal road leads, thence a straight course to the Red Bank creek, near Cartikee village; thence a straight course to the head source of Potatoe Mine creek; thence a straight course to the head of Clapboard creek;—thence a straight course to the most southern head source of Cannasawgee river; thence a northwestern course to Cannasawgee river, to strike opposite to the mouth of Sugar creek, into the Cannasawgee river, and to be bounded by the first and second Districts.

4th. The fourth District shall be called by the name of *Amoah*, and be bounded as follows: beginning at the head source of Cannasawgee river, where the third District strikes the said source; thence eastwardly a straight course to Spring

Town, above Hiwassee Old Town; thence to the boundary line run by Col. Houston, where it crosses Sloan creek;—thence westwardly along said line to the Hiwassee river;—thence down said river into the Tennessee river, and down the same to the mouth of Oolatiwah creek, and to be bounded by the first and third Districts.

5th. The fifth District shall be called by the name of *Hickory Log*, and shall be bounded as follows: beginning at the head of Potatoe Mine creek, on the Blue Ridge, thence south-eastwardly along the Blue Ridge to where Cheewostoyeh path crosses said ridge, and along said path to the head branch of Frog Town creek, and down the same to its confluence with Tahsantee; thence down Chestotee river; thence down the same into the Chattahoochee river; and down the same to the shallow wagon ford on said river, above the standing Peach Tree; thence westward along said wagon road leading to ——— Town to where it crosses Little river, a fork of the Etowah river, and down the same to its confluence with Etowah river, and down the same in a direct course to a large creek, and up said creek to where the road crosses it to the opposite side, and to be bounded by the third district.

6th. The sixth District shall be called by the name of *Etowah*, and be bounded as follows: beginning on the Chattahoochee river, at the shallow wagon ford on said river, and down the same to the Buzzard Roost, where the Creek and Cherokee boundary line intersects the said river; thence along said boundary line westward, to where it intersects Chunibee's trace, and to be bounded by the fifth and third districts, leaving Thomas Pettit's family in Etowah District.

7th. The seventh District shall be call by the name of *Tahquaher*, and be bounded as follows: beginning where Col. Houston's boundary line crosses Slare's creek, thence along said boundary line south-eastwardly, to the Unicoy turnpike road, and along said road to where it crosses the Hiwasee river, in the Valley Towns; thence a straight course to head source of Coosa creek, on the Blue Ridge above Cheewostoyeh, and along said Ridge eastwardly, where the Unicoy turnpike road crosses it and thence a direct course to the head source of Persimon creek; thence down the same to the confluence of Tahsantee, and with the Frog Town creek; and to be bounded by the third, the fourth and fifth Districts,

8th. The eighth District shall be called by the name of *Aquohee*, and be bounded as follows; beginning where the seventh District intersects the Blue Ridge, where the Unicoy turnpike road crosses the same; thence eastwardly along said Ridge to the Standing Man, to Col. Houston's boundary line, thence along said line to the confluence of Nanteyalee, and Little Tennessee river; thence down the same to Tallassee village, thence along said boundary line westwardly, to where it intersects the Unicoy turnpike road; and to be bounded by the seventh District; and that each District shall hold their respective Councils or Courts, on the following days;

The first Mondays in May and September, for Chickamaugee District; and on the

First Mondays in May and September for Coosewatee District; and the

Second Mondays in May and September, for Amoah District; and on the

First Mondays in May and September, for Hickory Log District; and on the

Second Mondays in May and September, for Etowah District; and on the

First Mondays in May and September for Aquohee District; and on the

Second Mondays in May and September, for Tauquohee District; and each of the Councils or Courts shall sit five days for the transaction of business at each term.

By order of the Committee and Council.

CHAS. R. HICHS.

——o:o——

*New Town, Cherokee Nation, October 26th*, 1821.

*Resolved by the National Committee and Council*, That a court be convened at the present session, to be composed of the Circuit and District Judges, and the Marshals of the several Districts, to adjust and settle all such cases as may be submitted to them by the Committee.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Concurred—PATH ⋊ KILLER,

mark.

A. McCOY, Clerk. CHAS. R. HICKS.

*New Town, Cherokee Nation, October 27th,* 1821.

*Resolved by the National Committee and Council,* That any person or persons, whatsoever, who shall choose to emigrate to the Arkansas country, and shall sell the improvements he or they may be in possession of, to any person or persons, whatsoever, he or they, so disposing of their improvements, shall forfeit and pay unto the Cherokee Nation the sum of one hundred and fifty dollars; and be it further resolved, that any person or persons, whatsoever, who shall purchase any improvement from person or persons so emigrating, he or they so offending, shall also forfeit and pay a fine of one hundred and fifty dollars to the Nation, to be collected by the Marshal of the District.

By order of the National Committee.

JN. ROSS, Pres't N. Com.

his

Approved—PATH ⋊ KILLER,

mark

CHAS. R. HICKS.

A. McCOY, Clerk.

———o:o———

*New Town, Cherokee Nation, October 27th,* 1821.

*Resolved by the National Committee and Council,* That it shall be the duty of the District and Circuit Judges, to enquire particularly into the circumstances of all stray horses, that may be taken up in their respective Districts, and all horses which shall evidently appear to have been stolen away from citizens of the United States, by citizens of this Nation, shall be surrendered up to the United States' Agent for his nation, agreeably to the treaty existing between the United States and this Nation.

By Order—JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋊ KILLER,

mark

CHAS. R. HICKS.

A. McCOY, Clerk.

*New Town, Cherokee Nation, October 27th,* 1821.

*Resolved by the National Committee and Council,* That if any person or persons whatsoever, shall resist and kill any of the Marshals or Light-horsemen in their official duties, it shall be the duty of the Marshals to lead the Light-horse to apprehend, or kill the person or persons so transgressing.

By order—JNO. ROSS, Pres't N. Com.

his

PATH ⋈ KILLER,

mark.

CHAS. R. HICKS.

A. McCOY, Clerk.

———o:o———

*New Town, Cherokee Nation, October 28th,* 1821.

*Resolved by the National Committee and Council,* That any person or persons who have been citizens of this Nation and now have reservations and living on the same, or under the laws of the United States, and has a public ferry crossing opposite his or their reservations, such person or persons shall not be permitted to keep a white ferryman on the lands belonging to the Nation, neither shall he be permitted to tend any land thereon, for the use of his ferryman, but nothing shall be so construed in the above resolution, as to affect the rights and privileges of such citizens as may have removed off the ceded lands and now living in the Nation.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋈ KILLER,

mark

CHAS. R. HICKS.

A. McCOY, Clerk.

———o:o———

*New Town, Cherokee Nation, October 28th,* 1821.

WHEREAS, Sam'l and Edward Gunter, John G. Ross, Captain John Brown and Jessee Lovett, have petitioned to the

National Council now convened, to open and keep in repair the roads leading from Gunter's Landing to Tuscaloosa, the best way as far as the line, and the one also leading to Will's creek, by way of Coxes, as far as the line, and to establish a turnpike gate at the forks of said road; this petition having been submitted to the National Committee by the Chiefs of the National Council for consideration, therefore the Committee have deliberated on this subject, and hereby

*Resolve*, That the said Samuel and Edward Gunter, John G. Ross, Captain John Brown and Jessee Lovett, are hereby authorized and privileged to open the said roads and to establish a turnpike gate thereon for the term of five years, on condition that the parties be bound to keep in good repair said roads, and the rates of toll when the roads are completed, and the turnpike gate erected, shall be as follows, viz:

| | |
|---|---|
| For wagon and team and carriages, | 50 cents. |
| A cart, a gig or a chair, | 25 " |
| Footmen, | 12 " |
| Lead horse, | 12 " |
| Cattle, hogs and sheep, | 3 " |

By or the National Committee.

JNO. ROSS, Pres't N. Com.

Approved—PATH his mark KILLER,

A. McCOY, Clerk.

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*New Town, Cherokee Nation, November 8th*, 1821.

*Resolved by the National Committee*, That all promisory notes, payable after date, shall be entitled to bear an interest at the rates of six per cent. per annum, after the date payable, until such notes are paid; this resolution to take effect and be in force from and after this date.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

Approved—PATH his mark KILLER,

A. McCOY, Clerk.

*New Town, Cherokee Nation, November 2d,* 1821.

*Resolved by the National Committee and Council,* That the Circuit Judges be allowed fifty-five dollars, and the District Judges twenty-five dollars each, per annum, for their services.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋈ KILLER,

mark.

A. McCOY, Clerk of Com.
ELIJAH HICKS, Clerk of Coun'l.

———o:o———

*New Town, Cherokee Nation, November 1st,* 1822.

*Resolved by the National Committee and Council,* That the salary of the Circuit Judges be, and the same is hereby raised from fifty-five dollars to eighty dollars each, per annum, commencing from the date hereof.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋈ KILLER,

mark.

A. McCOY, Clerk Com.
ELIJAH HICKS, Clerk Coun'l.

———o:———

*New Town, Cherokee Nation, November 2d,* 1821.

SAMUEL and Edward Gunter, John G. Ross, John Brown and Jess Lovett, are hereby permitted and authorized to open and cut out a road from John Brown's by Spencer Brown's old place to intersect the road leading from *Ditto's* landing to Tuscaloosa at Kays on the top of the mountain; and said turnpike company shall be bound to keep said road in good repair, together with the road from Will's creek to Gunter's Landing, granted to them by the Council of 1821, and that

the said company are further permitted to keep up said roads, and keep a turnpike thereon for the term of five years in and over the time first granted to them, *Provided* that they do not forfeit the privileges allowed them, and that the rates of toll shall be as follows, viz:

| | | |
|---|---|---|
| Wagon and team, and all four wheel carriages, | 75 | cents. |
| Cart, gig, and chair, | 37 | " |
| Man and horse, | 12 | " |
| Lead horse, | 6 | " |
| Cattle, | 3 | " |
| Hogs and sheep, | 2 | " |

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋊ KILLER,

mark.

A. McCOY, Clerk of Com.

ELIJAH HICKS, Clerk of Coun'l.

——o:o——

*New Town, Cherokee Nation, October 23d, 1822.*
*In Committee and Council.*

WHEREAS, it appears in the prints of the public newspapers that in consequence of the earnest solicitations of the Governor and Legislature of the State of Georgia, the Congress of the United States did appropriate a sum of money last session with a view of holding a treaty with the Cherokees for the purpose of extinguishing their title to lands within the chartered limits, claimed by the State of Georgia, and it also appearing in the public prints that the President of the United States has appointed Commissioners in conformity to the views of said appropriation, and anticipating a call by the Commissioners, the head Chiefs of the Cherokee Nation requested the Judges to ascertain the sentiments and disposition of the citizens of their respective Districts on the subject, and to report the same to them, which reports having been accordingly made and now laid before the National Committee and Council, declaring, *unanimously*, with one voice and determination, to hold no treaties with any Commissioners

of the United States to make any cession of lands, being resolved not to dispose of even one foot of ground.

BE IT THEREFORE KNOWN AND REMEMBERED, That we, the undersigned members of the National Committee and Council, after maturely deliberating on the subject,

*Resolved by the National Committee and Members of the Council*, That the Chiefs of the Cherokee Nation, will not meet any Commissioners of the United States to hold a treaty with them on the subject of making cession of lands the property of the Cherokee Nation, as we are determined hereafter never to make any cessions of lands, having not more than sufficient for our Nation and posterity. But on any other business not relating to making a treaty of cession, we will at all times during the session of the National Council, at New Town, receive the United States' Commissioners or Agents with friendship and cordiality, and will ever keep bright the chain of peace and friendship which links the Cherokee Nation and the government of the United States.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

Approved—PATH his mark KILLER,

CHAS. R. HICKS.

A. McCOY, Clerk, N. Com.

The above is singned by upwards of fifty-four members of both branches of the legislative Council and Committee.

———o:o———

*New Town, Cherokee Nation, October 28th*, 1820

*Resolved by the National Committee and Council*, That any person or persons whatsoever, who shall trade with any negro slave without permission from the proper owner of such slaves, and the property so traded for be proven to have been stolen, the purchaser shall be held and bound to the legal proprietor for the same, or the value thereof; and be it further

*Resolved*, That any person who shall permit their negro or negroes to purchase spirituous liquors and vend the same, the master or owner of such negro or negroes shall forfeit and pay a fine of fifteen dollars for every such offence, to be col-

ected by the Marshals within their respective Districts for the National use; and should any negro be found vending spirituous liquors without permission from their respective owners, such negro or negroes, so offending, shall receive fifteen cobbs or paddles for every such offence, from the hands of the patrolers of the settlement or neighborhood in which the offence was committed, and every settlement or neighborhood shall be privileged to organize a patroling company.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋊ KILLER,

mark

CHAS. R. HICKS.

A. McCOY, clerk.

———o:o———

*New Town, Cherokee Nation, November 2d,* 1822.

*Resolved by the National Committee and Council,* That James Brown and Samuel Canda, are hereby permitted and authorized to open and keep in good repair, the old road from Lowry's ferry, on Tennessee river, by way of Nickojack, through the Narrows and on by Canda's, as far the Lookout Mountain, and to assist Hicks & Co., in working over the mountain, and to establish a turnpike gate on the same, and the said Brown and Canda to be bound to keep up said road in good repair, under the penalty of forfeiting the authority and privilege hereby granted them; and the rates of toll shall not exceed fifty cents for all four wheel carriages; twenty-five cents for two wheel carriages and six and a fourth cents for man and horse; three cents for loose horses and cattle, and one cent for hogs and sheep.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋊ KILLER,

mark

CHAS. R. HICKS.

A. McCOY, clerk.

*New Town, Cherokee Nation, November 8th*, 1822.

*Resolved by the National Committee and Council*, That the Judges of the District Courts, shall keep a record of the proceedings of all causes, evidences and decisions; and

*Be it further resolved*, That each person who may be employed as clerk of the District Courts, shall be allowed and paid the sum of two dollars per day for their services during the sitting of the courts.

By Order—JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋈ KILLER,

mark

CHAS. R. HICKS.

A. McCOY, clerk of Com.

ELIJAH HICKS, clerk of Coun'l.

———o:o———

*New Town, Cherokee Nation, November 8th*, 1822.

WHEREAS, the great variety of vices emanating from dissipation, particularly from intoxication and gaming at cards, which are so prevalent at all public places, the National Committee and Council, seeking the true interest and happiness of their people, have maturely taken this growing evil into their serious consideration, and being fully convinced that no nation of people can prosper and flourish, or become magnanimous in character, the basis of whose laws are not found upon virtue and justice; therefore, to suppress, as much as possible, those demoralizing habits which were introduced by foreign agency,

*Resolved by the National Committee*, That any person or persons, whatsoever, who shall bring ardent spirits within three miles of the General Council House, or to any of the court houses within the several Districts during the general Council, or the sitting of the courts, and dispose of the same so as to intoxicate any person or persons whatsoever, the person or persons so offending, shall forfeit his or their whiskey, the same to be destroyed; and be it further

*Resolved*, That gaming at cards is hereby strictly forbidden, and that any person or persons whomsoever, who shall

game at cards in the Cherokee Nation, such person or persons, so offending, shall forfeit and pay a fine of twenty-five dollars, and further, any person or persons whatsoever, who may or shall be found playing cards at any house or camp, or in the woods within three miles of the general Council House, or any of the court houses of the several Districts during the session of the General Council, or setting of the District Courts, such person or persons, so offending, shall forfeit and pay a fine of fifty dollars each for every such offence, and that any person or persons whatsoever, who shall bring into the Cherokee nation and dispose of playing cards, such person or persons, being convicted before any of the Judges, Marshals, or light horse, shall pay a fine of 25 dollars for every pack of cards so sold; and it shall be the duty of the several Judges, Marshals and light horse companies, to take cognizance of such offences and to enforce the above resolution; and

*And be it further resolved*, That all fines collected from persons violating the above resolution, the money so collected shall be paid into the national treasury. To take effect and be in full force from and after the first day of January next.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ✕ KILLER,

mark

A. McCOY, clerk of Com.
ELIJAH HICKS, clerk of Coun'l.

——o:o——

*New Town, Cherokee Nation, November 10th*, 1822.

*Resolved by the National Committee and Council*, That any person or persons whatsoever, who shall wilfully embezzle, intercept and open any sealed letters, so that the owner be injured or deprived of the benefits of such letters, the person or persons so offending, upon conviction, shall forfeit and pay a fine of one hundred dollars and be punished with one hun-

dred stripes on the bare back, the fine to be converted to national purposes.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋊ KILLER,

mark.

A. McCOY, clerk Com.
ELIJAH HICKS, clerk Coun'l.

——o:——

*New Town, Cherokee Nation, November 12th*, 1822.

*Resolved by the National Committee and Council*, That there shall be a superior court, to be held at New Town, during the session of each National Council, to be composed of the several Circuit Judges, to determine all causes which may be appealed from the District Courts, and

*Be it further resolved*, That the law appropriating forty dollars for the support of each District Council, is hereby repealed, and that in future the Nation shall not be accountable for supplies furnished the District Councils.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Concurred—PATH ⋊ KILLER,

mark.

ELIJAH HICKS, clerk of Com.
A. McCOY, clerk of Coun'l.

——o:o——

*New Town, Cherokee Nation, November 12th*, 1822.

*Resolved by the National Committee and Council*, That the Circuit Judges be vested with authority to nominate light horse companies in their respective districts, in case of resignation or otherwise, and such nomination being reported to

the head Chiefs and sanctioned by them, shall be considered valid.

By order of the National Committee.

JNO. ROSS, Pres't N. Com

his

Approved—PATH ⋊ KILLER,

mark

ELIJAH HICKS, clerk of Com.
A. McCOY, clerk of Coun'l.

——o:o——

*New Town, Cherokee Nation, November 13th*, 1822.

*Resolved by the National Committee and Council*, That the Marshals or tax collectors of the several Districts, are hereby authorized to seize upon and attach the property of any person or persons who shall not make punctual payments of their respective taxes, when called upon, and the property so seized and attached shall be advertised for sale, and ten days shall be allowed for the redemption of the property so attached. In case the property be not redeemed in that time, then, the Marshal or collector shall proceed to expose to public sale, such property to the highest bidder, and all sums of money which may be received over the amount of taxes, for which the property may be seized, attached and sold, shall be returned to the person or persons from whom taken.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋊ KILLER,

mark

ELIJAH HICKS, clerk of Com.
A. McCOY, clerk of Coun'l.

——o:o——

*New Town, Cherokee Nation, November 13th*, 1822.

*Resolved by the National Commitee and Council*, That the Chattoogee, Chickamauga and other turnpike companies, who have not been heretofore under any obligation to keep in good

repair their respective roads, be, and they are hereby required to keep in good repair their respective roads, and in case of non-compliance with the aforesaid requisition, the privileges and authority in them vested for keeping a toll gate thereon, shall cease and become void whenever full and sufficient evidences may be established before the National Committee and Council.

By order of theNational Committee.

JNO. ROSS, Pres't Com.
EHNAUTAUNAUEH,
Speaker of Council.
his
Approved —PATH ⋊ KILLER,
mark.
CHAS. R. HICKS.

ELIJAH HICKS, clerk of Com.
A. McCOY, clerk of Coun'l.

———o:o———

*New Town, Cherokee Nation, November 13th,* 1822.

*Resolved by the National Committee and Council,* That a decree passed October 28, 1819, imposing a tax on merchant citizens of the Nation, is hereby reduced from twenty dollars to twelve dollars per annum, and the tax on pedlars, not citizens of this Nation, is also hereby reduced from eighty dollars, to fifty dollars, per annum, to take effect after the first of January next; the regulation to be observed and enforced agreeably to the said decree.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.
his
Approved—PATH ⋊ KILLER,
mark.

A. McCOY, clerk of Com.

———o:o———

*New Town, Cherokee Nation, October 4th,* 1823.

*Resolved,* That the business of the Council, during the ses-

sion, be suspended on the Sabbaths, and also that the merchants, and pedlars and mechanics at New Town, close the doors of their shops and suspend all business; and any person or persons violating this resolution shall forfeit and pay the sum of fifteen dollars, to be collected for the benefit of the Nation by the proper officer.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋊ KILLER,

mark

A. McCOY, clerk, N. Com.

———o:o———

*New Town, Cherokee Nation, October 9th,* 1823.

*Resolved by the National Committee and Council,* That all resolutions emanating from either body, shall receive the concurrence of the other, before the assent and signature of the head chiefs shall be required; and their concurrence shall then give effect to such resolutions.

By order—JNO. ROSS, Pres't N. Com.

Concurred in by the Council.

his

PATH ⋊ KILLER,

mark

A. McCOY, clerk Com.

———o:o———

*New Town, Cherokee Nation, October 17th,* 1823.

The National Committee have discovered that claims of a private nature which more properly belong to the courts for adjustment, have been taken up by the Council and acted upon by that body and submitted to the Committee for concurrence, those claims are brought before the Committee without evidence or the presence of the parties, which makes it difficult and impossible to investigate the matters of dispute; therefore,

*Resolved by the Committee,* That all matters of private con-

troversy, brought before the Council or Committee, which have not been appealed from the District Courts, should be submitted to that court of the district where the parties reside, and all causes which have been appealed from the discision of the District Courts, should be submitted to the Supreme Court in session for a decision agreeable to law and equity.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

PATH ⋊ KILLER,

mark.

A. McCOY, clerk of Com.

——o:o——

*New Town, Cherokee Nation, October 30th*, 1823.

*Resolved by the National Committee and Council*, That all business not immediately connected with the affairs of the Nation and pending between individuals, now before the general Council for adjustment, be, and the same is, hereby laid over to next general Council for a final adjustment.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋊ KILLER,

mark

A. McCOY, clerk of Com.
ELIJAH HICKS, clerk of Coun'l.

——o·o——

*New Town, Cherokee Nation, October 12th*, 1824.

*Resolved by the National Committee and Council*, That suits which have been appealed from the District Courts to the superior Court in cases of debt, the person or persons non-suited, or against whom judgment shall be given, such person or persons shall pay a cost of six per cent. on the amount of the judgment issued, which per cent. shall be collected for the benefit of the treasury of the Cherokee Nation;

*And be it further resolved*, That any person who may be

subpœnaed by the clerk of the court to appear before the superior Court as evidence in any case, and such person or persons refusing to appear and bear evidence, and cannot give any reasonable and lawful excuse for not appearing, he, she or they, shall pay a fine of ten dollars, for the benefit of the person or persons non-suited or cast in consequence of the want of that person's testimony; and

*Be it further resolved*; That such witnesses attending, agreeably to the summons, he, she or they, shall be entitled to fifty cents for each day's attendance, to be levied off the person or persons against whom judgment may be issued:—and

*Be it further resolved*, That any person who shall be guilty of perjury or give false evidence in any court of justice in the Cherokee Nation, upon conviction, shall be forever disqualified from being a witness in any matter of controversy, and shall also receive thirty-nine stripes on the bare back, to be inflicted by any officer or officers on duty in the district in which the offence is or may be committed.

By order. JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋊ KILLER,

mark.

———o:o———

*New Town, Cherokee Nation, November 9th*, 1824.

*Resolved by the National Committee and Council*, That no person or persons whatsoever shall be allowed or permitted to dig for salt within the circumference of half a mile from the salt well of any person or persons who may have obtained salt water by digging under the special permission of the National Committee and Council; *Provided*, that this resolution shall not extend so far as to deprive any person or persons from digging within their own enclosures, who may be living within such bounds, and may have settled there previous to the digging for, and the discovery of, salt.

By order JNO. ROSS, Pres't N. Com

his

Approved—PATH ⋊ KILLER,

mark.

*New Town, Cherokee Nation, November 13th 1824.*

*Resolved by the National Committee and Council,* That no citizen or citizens of the Cherokee Nation shall receive in their employment, any citizen or citizens of the United States, or negro slaves belonging to citizens of the United States, without first obtaining a permit agreeably to law, for the person or persons so employed; and any person or persons violating this resolution, upon conviction before any of the District Courts, shall pay a fine for every offence at the discretion of the Court, not exceeding ten dollars; and the person employed to be removed.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋊ KILLER,

mark.

A. McCOY, clerk of Com.

ELIJAH HICKS, clerk of Coun'l.

———o:o———

*New Town, Cherokee Nation, November 12th 1824.*

*Resolved by the National Committee and Council,* That a Register's office be opened at New Town, and a Register be appointed, whose duty it shall be to record all the advertisements of estray property which may be sent to him by the rangers of the several districts, and each advertisement so recorded, to be set up at a public house at New Town, and the Register shall be entitled to 25 cents for each advertisement recorded, to be paid out of the proceeds of the sale of the property so advertised and sold; and it shall be the duty of the several rangers to transmit a copy of all their advertisements to the Register at New Town, and if their should be no opportunity to forward by private conveyance the advertisement to the Register, it shall be the duty of the Captain of the Light Horse company, where applied to by a ranger, to send one of his men with the advertisement to the Register; and

*Be it further resolved,* That all estray cattle, hogs, sheep and goats, shall be advertised and sold by the ranger in the

same manner as is prescribed by law for estray horses.

By order.

JNO ROSS, Pres't N. Com.

his

Approved—PATH ⋊ KILLER,

mark.

A. McCOY, clerk of Com.

ELIJAH HICKS, Clerk of Coun'l.

———o:o———

*New Town, Cherokee Nation, October 25th,* 1824.

*Resolved by the National Committee and Council,* That the road from Chattahoochee river to May's ferry on Hiwassee river, and also the one to Blythe's ferry, on Tennessee river, and the one to Walker's ferry, on Hiwassee river, are hereby ordered to be let out in ten shares, to the lowest bidder, to opened and kept in good repair for the term of five years from the first day of December, 1824, on the following conditions, to wit:

The road to be cut and opened twenty-four feet wide, clear of trees, and the causewaying to be covered with dirt, together with the digging of mountains and hills, to be fourteen feet wide, clear of rocks, roots and grubs, and the banks of all water courses to be put in complete order, and the road to be divided into shares in the following manner, to wit:

From May's ferry to Canausauga river, including one bank and the half of the width of the bed of the river, if required, from Walker's ferry to Five Killer's; from Blythe's ferry to Canda's creek, including one bank of said creek; from thence to where May's ferry road intersects the same, from thence to the middle of Canausauga river, to Vann's mill creek; from thence the middle of Coosawatee river, from thence to the middle of Talking Rock creek; from thence to the middle of Long Swamp creek; from thence to the middle of Etowah river; from thence to the Chattahoochee river; and

*Be it further resolved,* That the undertakers enter into bond and sufficient security for the faithful performance of their respective contracts, in a penal sum of twice the amount of the sum for which the undertakers may engage with the Treasurer of the Cherokee Nation, and that the Treasurer is

hereby authorized and directed to appoint one or more commissioners to review the roads once in four months, throughout the year, whose duty it will be to make a report to him of the situation of said roads, and in case of violation on the part of any of the undertakers, that suits be instituted against such person or persons in the courts of the districts to which he or they may belong, and in case of forfeiture, the Treasurer is authorized to let out the share or shares so forfeited.

By order.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋊ KILLER,

mark.

A. McCOY, clerk Com.
ELIJAH HICKS, clerk of Coun'l.

———o:o———

*New Town, Cherokee Nation, January 27th*, 1824.

WHEREAS, great evil has resulted from the disposition and use of ardent spirits at ball plays, all-night dances and other public gatherings, and in order to suppress this growing evil,

*Resolved by the National Committee and Council*, That no person or persons whatsoever, shall vend or otherwise dispose of in any manner, ardent spirits at such places under the penalty of having all their liquors wasted, and it shall be the duty of every Light Horseman, Marshal, Sheriff, deputy Sheriff and Constable, to take cognizance of such offences, and to execute this resolution, and if any of the aforesaid officers being in full possession of the fact of a violation of this resolution, fail to enforce its penalty, they shall, upon conviction before any of the District Courts, pay such a fine as may be imposed upon them by the Court, one half to the informer and the other half to the Treasury of the Cherokee Nation. This law to be and remain in full force from and after the first day of January, 1825.

By order.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋊ KILLER,

mark.

*New Town, Cherokee Nation, November 11th,* 1824.

*Resolved by the National Committee and Council,* That it shall be the duty of the several Marshals, Sheriffs, Constables and Light Horsemen, to take cognizance of every violation of law within their respective bounds of districts, and to give information of, and bring to justice, according to law, such person or persons, so offending, and should any of the aforesaid officers, neglect to bring to justice any transgressor of law, after having been duly informed of such transgression, such officers, upon conviction before any of the District Courts, shall be subject to pay a fine, to be assessed by the Court; the fine not to exceed one hundred dollars, and not less than five dollars, and the officer or officers so neglecting, shall be subject to be removed from office at the discretion of the National Council.

By order of the National Committee.

JNO. ROSS, Pres't N. Com

Approved—PATH his mark KILLER,

A. McCOY, clerk of Com.
ELIJAH HICKS, clerk of Coun'l.

——o:o——

*New Town, Cherokee Nation, November 11th,* 1824.

*Resolved by the National Commitee and Council,* That all free negroes coming into the Cherokee Nation, under any pretence whatsoever, shall be viewed and treated, in every respect, as intruders, and shall not be allowed to reside in the Cherokee Nation without a permit from the National Committee and Council.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

Approved—PATH his mark KILLER,

A. McCOY, clerk of Com.
ELIJAH HICKS, clerk of Coun'l.

*New Town, Cherokee Nation, November 11th, 1824.*

*Resolved by the National Committee and Council,* That any person or persons whatsoever, who shall commit robbery upon another, he, she or they, so offending, being prosecuted in any of the District Courts, shall, upon conviction, be subject to such penalty any punishment as the Court may impose; *provided,* That such punishment shall not extend so far as to inflict death.

By order of theNational Committee.

JNO. ROSS, Pres't Com.
MAJOR RIDGE.
Speaker of Council.
his
Approved —PATH ⋊ KILLER,
mark.

A. McCOY, clerk of Coun'l.

———o:o———

*New Town, Cherokee Nation, November 11th,* 1824.

*Resolved by the National Committee and Council,* That intermarriages between negro slaves and indians, or whites, shall not be lawful, and any person or persons, permitting and approbating his, her or their negro slaves, to intermarry with Indians or whites, he she or they, so offending, shall pay a fine of fifty dollars, one half for the benefit of the Cherokee Nation; and

*Be it further resolved,* That any male Indian or white man marrying a negro woman slave, he or they shall be punished with fifty-nine stripes on the bare back, and any Indian or white woman, marrying a negro man slave, shall be punished with twenty-five stripes on her or their bare back.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.
his
Approved—PATH ⋊ KILLER,
mark

A. McCOY, clerk of Com.
ELIJAH HICKS, clerk of Coun'l.

*New Town, Cherokee Nation, November 11th,* 1824.

*Resolved by the National Committee and ouncil,* That it shall not be lawful for negro slaves to possess property in horses, cattle or hogs, and that those slaves now possessing property of that description, be required to dispose of the same in twelve months from this date, under the penalty of confiscation, and any property so confiscated, shall be sold for the benefit of the Cherokee Nation.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋈ KILLER,

mark.

A. McCOY, clerk of Com.

——o:o——

*New Town, Cherokee Nation, November 13th,* 1824.

*Resolved by the National Committee and Council,* That the Light Horsemen in each District shall serve as jurors in their respective District Courts, and the Judge of each District shall act as foreman to said jury.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋈ KILLER,

mark.

A. McCOY, clerk of Com.

——o:o——

*New Town, Cherokee Nation, November 11th,* 1824.

*Resolved by the National Committee and Council,* That any white person or persons, not citizens of the Cherokee Nation, bringing spiritous liquors into the Cherokee Nation and disposing of the same, contrary to law, he, she or they, so offending, upon conviction, shall forfeit and pay a fine of one hundred dollars, one half for the benefit of the informer, and the other half for the benefit of the treasury of the Cherokee Na-

tion, and any citizen or citizens of the Cherokee Nation, making a purchase of ardent spirits within the limits of the Cherokee Nation, from any person or persons not citizens of the Nation, he, she or they, upon conviction before any of the District Courts, shall pay a fine of one hundred dollars, one half for the benefit of the informer, and the other half for the benefit of the treasury of the Cherokee Nation. This resolution shall be a supplement to the decree of the 28th October, 1819, without imparing the penalties therein imposed respecting ardent spirits.

By order.

JNO. ROSS, Pres't N. Com.

Approved—PATH his mark KILLER,

A. McCOY, clerk Com.
ELIJAH HICKS, clerk of Coun'l.

———o:o———

*New Town, Cherokee Nation, November 12th,* 1824.

*Resolved by the National Committee and Council,* That the Light Horse companies be, and are hereby reduced from six to four in number, and the Captain's pay shall be sixty-five dollars per annum, and the Lieutenant's pay shall be fifty-five dollars, and the privates forty-five.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

Approved—PATH his mark KILLER,

A. McCOY, clerk Com.
ELIJAH HICKS, clerk of Coun'l.

———o:o———

*New Town, Cherokee Nation, November 12th,* 1824.

*Resolved by the National Committee and Council,* That no person or persons whatsoever, shall be permitted to settle and make improvements within the distance of one-fourth of a

mile of the field or plantation of another, without the consent or approbation of such resident person, under the penalty of forfeiting the whole of their labor for the benefit of the original resident.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

Approved—PATH ⋊ KILLER, (his mark)

A. McCOY, clerk of Com.

———o:o———

*Resolved by the National Committee and Council*, That any person or persons, whatsoever, who shall set the woods on fire before the month of March, in each year, such person or persons, so offending, upon conviction, shall pay a fine of five dollars, one half to the prosecutor and the other half for the benefit of the Cherokee Nation. This law to be in force and take effect, after the month of September, 1825.

By order—JNO. ROSS, Pres't N. Com.

Concurred in by the Council.

Approved—PATH ⋊ KILLER, (his mark)

A. McCOY, clerk Com.

———o:o———

*New Town, Cherokee Nation, November 12th*, 1824.

*Resolved by the National Committee and Council*, That a fence five feet high, shall be considered lawful, and the horse, mare, mule, ass, ox or cow of any person or persons, whatsoever, breaking into the field of a person having a lawful fence, the owner of such property shall be responsible for the damages done, and the courts of the several Districts shall have cognizance of every such case.

By order—JNO ROSS, Pres't N. Com.

Approved—PATH ⋊ KILLER, (his mark.)

*New Town, Cherokee Nation, November 13th*, 1824.

*Resolved by the National Committee and Council*, That no monies in future be paid by the Treasurer out of the public funds to any person for any service or claim, which has not been previously allowed or ordered by the National Committee, and that all expresses ordered by the principal Chiefs, on emergencies, should be presented before the Committee, with the certificate of the principal chiefs, stating the business on which the express was ordered, and

*Be it further resolved*, That it shall be the duty of every Light Horseman to obey the orders of the principal Chiefs, when called upon to perform any public business of the Nation.

By order.

JNO ROSS, Pres't N. Com.

his

Approved—PATH ⋊ KILLER,

mark.

A. McCOY, clerk of Com.

ELIJAH HICKS, Clerk of Coun'l.

———o:o———

*New Town, Cherokee Nation, November 8th*, 1824.

*Resolved by the National Committee and Council*, That in future, the contract for supplying the general Council with good wholesome beef, be let out to the lowest bidder, the contractor giving bond and security for the faithful performance of his, her or their contracts, and further, that a commissary be appointed in behalf of the Nation, whose duty it shall be to see to the weighing of the beef and a proper distribution of the same among the different camps, and to prevent any unnecessary waste of the same.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋊ KILLER,

mark.

A. McCOY, clerk Com.

ELIJAH HICKS, clerk Coun'l.

*New Town, Cherokee Nation, November 12th,* 1824.

*Resolved by the National Committee and Council,* That any person or persons, finding a dead cow brute, and skinning the same, the person or persons shall receive from the owner of such beast, the sum of fifty cents for a grown one, and twenty-five cents for a half grown one, and twelve and a half cents for every calf, and if the owner of the brute so skinned, shall not think proper to pay the sum aboved named, the person or persons skinning the same, shall be entitled to the hide, and any person or persons skinning a cow brute and keeping it concealed, shall pay twice the value of the hide, to the owner of the brute so skinned.

By order. JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋈ KILLER,

mark.

A. McCOY, clerk of Com.
ELIJAH HICKS clerk of Coun'l.

——o:o——

*New Town, Cherokee Nation, November 12th,* 1824.

*Resolved by the National Committee and Council,* That a man be oppointed in each District for the purpose of taking a correct census of said District, and the sum of forty dollars be, and is, hereby appropriated to pay each person so appointed for the service herein required, and further, that it shall be the duty of each person, so appointed, to make a separate list of all males from eighteen to fifty-nine years of age, embracing their names, and all males under eighteen years of age; all males over fifty nine years of age, and all females under fifteen years; all females between fifteen and forty years, and all females over forty years; and the number of male negro slaves, and the number of female negro slaves; number of cotton gins, grist and saw mills, wagons, looms, wheels, ploughs, horses, cattle, hogs sheep and schools, and number of scholars of each sex, stores, blacksmith shops; the number of white men married to cherokee women; and number of Cherokee men married to white women, and also, the number of turnpike ferries, and public roads, and to make a general report of the manner

of living and the state of agricultural improvements, and it shall be required of each person so appointed, to complete their services and make their report to the treasurer of the Nation on or before the fifteenth day of April next.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.

his

Approved—PATH ⋈ KILLER,

mark.

A. McCOY, clerk of Com.
ELIJAH HICKS, clerk of Coun'l.

———o:o———

*New Town, Cherokee Nation, October 14th,* 1825.

*Resolved by the National Committee and Council,* That the law requiring the several Light Horse companies to act as jurymen to the courts of their respective districts, is hereby repealed, and

*It is further resolved,* That the circuit Judges shall have power to order the Marshals, Sheriffs of Constables, to select and empannel five disinterested men of good characters and judgment, to act as jurors in the courts of their respective districts, and in no case shall a Marshal, Sheriff or Constable, who may be interested in any cause, be competent to make a selection and empannel jurors to sit upon that particular case.

*Be it further resolved,* That each juror shall be entitled to receive seventy-five cents per day for services upon presenting a certificate from the circuit and district Judges, attested by the clerk of the District Court.

By order of the National Committee.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker

his

Approved—PATH ⋈ KILLER,

mark

CH. R. HICKS.

A. McCOY, clerk of Com.
E. BOUDINOTT, clerk of Coun'l.

For the better security of the common property of the Cherokee Nation, and for the protection of the rights and privileges of the Cherokee people, *We, the undersigned members of the Committee and Council*, in legislative Council convened, have *established*, and by these presents do hereby *declare*, the following articles as a *fixed and irrevocable principle*, by which the Cherokee Nation shall be governed. These articles may be amended or modified, by a concurrence of two-thirds of the members of the Committee and Council in legislative Council convened; viz:

Art. 1st. The lands within the sovereign limits of the Cherokee Nation, as defined by treaties, are, and shall be, the common property of the Nation. The improvements made thereon and in the possession of the citizens of the Nation, are the exclusive and indefeasible property of the citizens respectively who made, or may rightfully be in possession of them.

Art. 2d. The annuities arising from treaties with the U. States, and the revenue arising out of the tax-laws, shall be funded in the National Treasury, and be the public property of the Nation.

Art. 3d. The legislative Council of the Nation shall alone possess the legal power to manage and dispose of, in any manner by law, the public property of the Nation, *Provided*, nothing shall be construed in this article, so as to extend that right and power to dispossess or divest the citizens of the Nation of their just rights to the houses, farms and other improvements in their possession.

Art. 4th. The Principal Chiefs of the Nation shall in no wise hold any treaties, or dispose of public property in any manner, without the express authority of the legislative Council in session.

Art. 5th. The members of Committee and Council, during the recess of the legislative Council, shall possess no authority or power to convene Councils in their respective districts, or to act officially on any matters of concern to the public affairs of the Nation, excepting expressly authorized or delegated by the legislative Council in session.

Art. 6th. The citizens of the Nation, possessing exclusive and indefeasible right to their respective improvements, as expressed in the first article, shall possess no right or power to dispose of their improvements to citizens of the United

States, under such penalties, as may be prescribed by law in such cases.

Art. 7th. The several courts of justice in the Nation shall have no cognizance of any case transpiring previous to the organization of courts by law, and which case may have been acted upon by the chiefs in council, under the then existing custom and usage of the Nation, excepting there may be an express law embracing the case.

Art. 8th. The two Principle Chiefs of the Nation, shall not, jointly or separately, have the power of arresting the judgments of either of the courts or of the legal acts of the National Committee and Council, but that the judiciary of the Nation shall be independent and their decisions final and conclusive; *Provided, always*, That they act in conformity to the foregoing principles or articles, and the acknowledged laws of the Nation.

Done in Legislative Council, at New Town, this 15th day of June, 1825.

JNO. ROSS, Pres't. N. Com.
MAJOR RIDGE, Speaker of Council,
his
Approved.—PATH ⋈ KILLER, Prin'l Chief.
mark.

———o:o———

*New Town, Cherokee Nation, October 14th* 1825.

*Resolved by the National Committee and Council*, That the law requiring the district Judges to act as jurors to the Supreme Court, from and after the adjournment of the present Supreme Court, is, and shall be, null and void, and that the four circuit Judges alone, shall thereafter compose the Supreme Court, to review and decide upon all cases appealed from the District Courts, and that each Judge shall be incompetent to sit, act or decide, upon any cause appealed from their respective District courts.

JNO. ROSS, Pres't. N. Com.
Approved—MAJOR RIDGE, Speaker.
his
PATH ⋈ KILLER.
mark.

*New Town, Cherokee Nation October 15th, 1825.*

*Resolved by the National Committee and Council,* That an agent or agents, shall be appointed to solicit and receive donations in money from individuals, or societies throughout the United States, for the object of establishing and supporting a national academy, and for procuring two sets of tpyes to fit one press, to establish a printing office at New Town, (C. N.) one set of types to be composed of English letters, the other of Cherokee characters, the invention of George Guist, a Cherokee.

*Be it further resolved,* That the agent or agents be required to keep a correct account of his or their travelling expenses, and the same to be paid out of the sum collected, and said agent or agents shall be entitled to receive eight per cent. on the amount paid over to the Treasurer.

*Be it further resolved,* That the Treasurer be, and is, hereby authorised to apply fifteen hundred dollars, out of the public funds, towards the objects herein specified; and in case that the agent or agents are successful in obtaining donations sufficient to purchase the requisite types and press, the Treasurer is further authorised to make the purchase as soon as circumstances will permit. In the mean time, the Treasurer is hereby required to open a correspondence with such person or persons of some of the eastern cities, as may be capable of giving correct information relative to the same, for which the two sets of types and press can be purchased; and the National Committee and Council hereby appoint Elias Boudinott as agent to solicit and receive donations for the objects herein specified; and further, the Treasurer is hereby authorised to appoint other agent or agents, if in his judgment, may be hereafter deemed expedient.

JNO. ROSS, Pres't N. Com.

Concurred in by the council.

MAJOR RIDGE, Speaker,

his

PATH ⋈ KILLER,

mark.

CH. R. HICKs.

A. McCOY, clerk Com.

E. BOUDINOTT, clerk Coun'l.

*New Town, Cherokee Nation, October 15th, 1825.*

*Resolved by the National Committee and Council,* That the poll tax law is, and shall be, suspended for two years from the 1st of January next; *Provided,* nothing shall be so construed in this suspension, as to discharge or release those who have not paid their taxes, from paying up all their arrearages; therefore,

*Be it further resolved,* That the collecting officers are hereby required to make collections without delay from all those who may be in arrears for poll taxes including the present year.

JNO. ROSS, Pres't N. Com.
Approved—MAJOR RIDGE, Speaker,
his
PATH ⋊ KILLER,
mark
CH. R. HICKS.

A. McCoy, clerk Com.
E. BOUDINOTT, clerk Coun'l.

———o:o———

*New Town, Cherokee Nation, October 17th, 1825.*

*Resolved by the National Committee and Council,* That the Judges of the Supreme Court during the session of said Court, shall have power to summons any of the Marshals, Sheriffs or Constables of the several Districts, who may be at New Town, to perform their official duties during each term, and in case any officer so summoned refuses or neglects to obey such summons, he or they shall pay a fine at the discretion of the Court, not exceeding five dollars nor less than one dollar and fifty cents.

JNO. ROSS, Pres't. N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark
CH. R. HICKS.

A. McCOY, clerk of Com.
E. BOUDINOTT, clerk Coun'l.

*New Town, Cherokee Nation, October 17th, 1825.*

*Resolved by the National Committee and Council,* That all contested claims, where there is no evidence of the claimant or claimants having demanded or set forth his, her or their claim, within the term of two years, after such claim or claims may be alleged to have existed, then, in that case, such claim or claims shall be considered null and void, and be irrecoverable by law; *Provided,* nothing shall be construed in the foregoing resolution, so as to impair contracts, or bar any person or persons from recovering any note of hand, or liquidated accounts, at any period after the limitation herein specified.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker,
his
PATH ⋊ KILLER,
mark.
CH. R. HICKs.

A. McCOY, clerk Com.
E. BOUDINOTT, clerk Coun'l.

———o:o———

*New Town, Cherokee Nation, October 27th, 1825.*

The National Committee concur with the Council so far in remitting the fine imposed by the court on Samuel Henry as the Nation is concerned, excepting the Marshal's fee and the confiscation of the brandy, the proceeds arising from the sale of the brandy to revert to the informer agreeably to his consent; *Provided,* that the said Samuel Henry also obligates himself, under bond and security, in future never to violate the laws of this Nation, by the introduction of ardent spirits into the Nation, under the penalty of making good the fine herein remitted, and also, of being dealt with as the law directs.

JNO. ROSS, Pres't Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark.
CH. R. HICKS.

*New Town, Cherokee Nation, October 31st, 1825.*

*Resolved by the National Committee and Council,* That all gold, silver, lead, copper or brass mines, which may be found within the limits of the Cherokee Nation, shall be the public property of the Cherokee Nation, and should the legislative Council deem it profitable and expedient, to have such mines or mines worked, then, in that case, the discoverer or discoverers shall be entitled to receive one fourth of the nett proceeds arising from such minerals.

JNO. ROSS, Pres't. N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark.
CH. R. HICKS.

A. McCOY, clerk of Com.
E. BOUDINOTT, clerk Coun'l.

——o:o——

*New Town, Cherokee Nation, November 5th, 1825.*

*Resolved by the National Committee and Council,* That the treasurer of the Cherokee Nation be, and he is hereby authorized to loan out on interest, at six per cent. per annum, such surplus public monies as may be in the treasury, after ample appropriations have been made to meet the annual expenditures for the support of government, to such citizen or citizens of the Cherokee Nation as may desire a loan; *Provided,* such person or persons may be fully able to repay the sum or sums so loaned, and also, shall give bond and two good and sufficient securities, citizens of the Nation; and *Provided also,* that each loan shall not exceed five hundred dollars, and for a length of time not exceeding six months, excepting by paying up the interest and renewing the bond; then, and in that case, the loan may be continued six months longer, and in case of failure to make payment or to renew the bond, then, and in that case, the bond shall be put into the hands of some public officer for collection, and the defaulter's private property shall be levied upon, executed and sold to the highest bidder, unless redeemed within the periods following; to

wit: for all sums above one hundred dollars and under two hundred and fifty dollars, twenty days; and from two hundred and fifty dollars and upwards, thirty days. The officer's fees for collection, and the necessary expenses incurred by keeping the property, shall also be deducted from the sale of the defaulter's property.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker,
his
PATH ⋊ KILLER,
mark
CH. R. HICKS.

A. McCOY, clerk Com.
E. BOUDINOTT, clerk Coun'l.

———o:o———

*New Town, Cherokee Nation, November 8th,* 1825.

*Resolved by the National Committee and Council,* That the law authorizing the appointment of Light Horse companies, passed at Brown's Town on the 11th day of September, 1808, be, and the same is hereby repealed, and that in lieu of Light Horse companies, a Marshal, Sheriff, deputy Sheriff and two Constables, shall be chosen and appointed for each district, in the following manner; to wit:

The Marshals to be elected by the National Committee, and the principal Sheriffs to be elected by the people in their respective districts; and the two Constables by the people within their particular bounds for the term of two years. The Marshals and Sheriffs shall enter into bond and give two or more good and sufficient securities, in a penal sum not less than one thousand dollars. The Sheriffs to appoint their own deputies and for whose conduct they shall also be held responsible and bound. The Constables shall enter into bond and give two good securities in the penal sum of two hundred dollars.—The duties of the Marshals and Sheriffs shall be to make collections of all just debts, and such notes of hand, liquidated accounts and judgments, and to arrest horse thieves and other rogues and murderers for trial, according to law.

The duties of the Constables shall be the same as that of the Marshals and Sheriffs, but they shall be confined within

their respective bounds in exercising their official duties; and each of the above named officers are hereby authorized, when in pursuit of criminals, to summons as many men as may be necessary to arrest such criminals, and any person or persons refusing to obey, without a reasonable excuse, such summons, he or they shall forfeit and pay a fine of twenty-five dollars for every such offence, to be recoverable in the same way and manner as all other debts, and the fines so collected shall be paid into the National Treasury. The person or persons obeying such summons, upon presenting the officer's certificate before the National Treasury, for services so performed, shall be entitled to receive one dollar per day for the time so engaged from actual necessity. The Constables, when executing their duties in arresting and conducting criminals to the place of trial, shall also be entitled to one dollar per day for the time actually engaged. Each Marshal shall be entitled to receive forty dollars, and each principal Sheriff shall be entitled to receive thirty dollars per annum for their services, from the public funds, in addition to their fees of eight per cent. for collections. The deputy Sheriffs and Constables shall also be entitled to receive eight per cent. fees for collections.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker
his
Approved—PATH ⋈ KILLER,
mark
CH. R. HICKS.

A. McCOY, clerk of Com.
E. BOUDINOTT, clerk of Coun'l.

———o:o———

*New Town, Cherokee Nation, November 9th,* 1825.

*Resolved by the National Committee and Council,* That all written wills, bearing the signature of the testator, and signed by one or two respectable witnesses, and the same appearing to the satisfaction of the court of the district wherein the testator lived, or where the most of the estate may be situated, that it is the last will and testament, shall be binding to all intents and purposes.

*Be it further resolved,* That nothing shall be construed in

the foregoing, so as to impair or destroy the validity of any will having no witnesses, which may be found among the valuable papers of the deceased, bearing his or her signature, which will and signature, shall be satisfactorily proven to be the hand writing of the deceased.

*Be it further resolved*, That nuncupative wills, where witnesses are called, and the testator, in the presence of two or three respectable persons, at his or her last sickness, make known his or her will, and one of the witnesses being a disinterested person, such nuncupative wills, being committed to writing in ten days after the testators decease, and the same appearing to the satisfaction of the district court to be agreeably to the testators last will and testament, such wills shall also be valid and binding.

*Be it further resolved*, That where a person possessing property and dies intestate, and having a wife and children, the property of the deceased, shall be equally divided among his lawful and acknowledged children, allowing the widow an equal share with the children, after all just debts of the deceased shall have been paid, by those obtaining letters of administration, agreeably to law, and in case the deceased leave a wife without children, then, in that case, the widow shall be entitled to receive one fourth of the estate, after said estate shall have been freed from incumbrance of all just and lawful demands, and the residue of the estate to go to his nearest kin, and in case a woman claiming and having exclusive right to property dies and leaving a husband and children, her property shall revert to her children and husband, in the same manner as above stated and provided for.

JNO. ROSS, Pres't. N. Com.
MAJOR RIDGE, Speaker of Council,
his
Approved.—PATH ⋈ KILLER,
mark.
CH. R. HICKS.
A. McCOY, clerk of Com.

———o:o———

*New Town, Cherokee Nation, November 10th* 1825.

*Resolved by the National Committee and Council*, That

any person or persons, whatsoever, who shall lay violent hands upon any female, by forcibly attempting to ravish her chastity contrary to her consent, abusing her person and committing a rape upon such female, he or they, so offending, upon conviction before any of the district or circuit Judges, for the first offence, shall be punished with fifty lashes upon the bare back, and the left ear cropped off close to the head; for the second offence, one hundred lashes and the other ear cut off; for the third offence, death.

*Be it further resolved,* That any woman or women, making evidence against any man, and falsely accusing him of having laid violent hands upon any woman, with intent of committing a rape upon her person, and sufficient proof having been adduced before any of the district or circuit Judges to refute the testimony of such woman or women, she or they, so offending, shall be punished with twenty-five stripes upon her or their bare back, to be inflicted by any of the Marshals, Sheriffs or Constables.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋈ KILLER,
mark.
CH. R. HICKS.

A. McCOY, clerk of Com.

———o:o———

*New Town, Cherokee Nation, November 10th,* 1825.

WHEREAS, it has been represented to the General Council, that much injury is sustained by the inhabitants living on the boundary lines, from citizens of the United States, feeding and keeping their stock of property on Cherokee lands, whereby horses, cattle, hogs, &c., belonging to the citizens of this nation, are exposed to be taken off by such person or persons, trespassing; therefore,

*Resolved by the National Committee and Council,* That the Circuit Judges are hereby authorised and directed, to appoint an assistant ranger in their respective districts, which border on the boundary lines with the United States, whose residence shall be nearest to said boundary line, and whose

duty it shall be, solely to pay strict attention to such trespasses herein complained of, and to forwarn the frontier inhabitants of the United States in the adjoining counties, from placing, keeping and feeding, their horses, cattle, hogs, sheep or goats on Cherokee lands; and to take up, post, and dispose of, all such property which may be found within their respective bounds, agreeably to the laws respecting estrays, and any citizen or citizens of the United States, reclaiming and proving away any such property, and be unable to produce satisfactory proof, that he, she, or they, did not wilfully place such property on Cherokee lands, to feed and graze thereon, the assistant ranger, in that case, is hereby authorised and required, to exact a fine of two dollars, for every horse, gelding or mare, and one dollar for every head of black cattle, and twenty-five cents for every head of swine, sheep or goats, so proven away. Such fines shall be in addition to the fees allowed by law, to the rangers for their posting, keeping and selling estrays; but in case sufficient proof can be adduced to shew that such property was not wilfully placed on Cherokee lands to feed or graze thereon, and that such property had merely strayed thereon unknown to the owner or owners; then, in that case, the fine herein imposed, shall not be exacted; excepting the necessary expenses and fees allowed by law in such cases

*Be it further Resolved*, That the assistant ranger is hereby required to observe and pay, strict attention to the same rules and regulations required of rangers by law, and who shall also be entitled to the same fees and eight per cent. on the amount collected for the fines herein imposed, the remainder for the benefit of the National treasury.

JNO. ROSS, Pres't N. Com
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark
CH. R. HICKS.

———o:o———

*New Town, Cherokee Nation*, 10*th November*, 1825.

*Resolved by the National Committee and Council*, That

the law imposing a tax upon citizen merchants of the Cherokee Nation be, and the same is, hereby suspended for the term of two years.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark.
CH. R. HICKS.

A. McCOY, clerk Com.

———o:o———

*New Town, Cherokee Nation, 10th November, 1825.*

*Resolved by the National Committee and Council,* That the law prohibiting persons choosing to emigrate to the Arkansas country, from selling their improvements, and all others, from purchasing improvements from such persons under the penalty of one hundred and fifty dollars, passed on the 27th October, 1821, be, and the same is, hereby repealed.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark
CH. R. HICKS,

A. McCOY, clerk Com.

———o:o———

*New Town, Cherokee Nation, 10th November, 1825.*

*Resolved by the National Committee and Council,* That the law authorising the Circuit Judges to appoint light horse companies, under certain circumstances, passed on the 13th November, 1822, be, and the same is, hereby repealed.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark.

*New Town, Cherokee Nation, November 10th,* 1825.

*Resolved by the National Committee and Council,* That the children of Cherokee men and white women, living in the Cherokee Nation as man and wife, be, and they are, hereby acknowledged, to be equally entitled to all the immunities and privileges enjoyed by the citizens descending from the Cherokee race, by the mother's side.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark.

A. McCOY, Clerk N. Com.
E. BOUDINOTT, Clerk N. Council.

———o:o———

*New Town, Cherokee Nation, November 10th,* 1825.

*Resolved by the National Committee and Council,* That the section embraced in the law regulating marriages between white men and Cherokee women, and making it unlawful for whitemen to have more than one wife, and recommending all others, also, to have but one wife, be, and the same is, hereby amended, so that it shall not be lawful hereafter, for any person or persons whatsoever, to have more than one wife.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark
CH. R. HICKS.

A. McCOY, clerk N. Com.
E. BOUDINOTT, clerk N. Council.

———o:o———

*New Town, Cherokee Nation, 10th November,* 1825.

*Resolved by the National Committee and Council,* That a fence of four inches crack between each rail, for two and a

half feet up from the ground, shall be considered a lawful fence, and the hogs of any person or persons whatsoever, breaking into the field of a person having such a fence, the owner or owners of such property shall be responsible for all the damages sustained, and the Courts of the several districts shall have cognizance of such cases.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark

A. McCOY, Clerk N. Com.
E. BOUDINOTT, Clerk N. Council.

——:o——

*New Town, C. N.* 10*th November*, 1825.

*Resolved by the National Committee and Council*, That all the duties required by the subsequent laws to be performed by light horsemen, shall be performed by the several officers, superceding the light horse companies, excepting, so far as performing express services.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark.

A McCOY, clerk N. Com
E. BOUDINOTT, Clerk N. Council.

——0:0——

*New Town, C. N.*, 10*th November*, 1825.

*Resolved by the National Committee and Council*, That the Treasurer of the Cherokee Nation be required to enter into bond with ten good and approved securities, in the penal sum of fifty thousand dollars, for the faithful performance of his duties according to law, and that the bond and securities be renewed at the end of every two years.

*Be it further Resolved*, That the salary of the Treasurer

of the Cherokee Nation, shall be three hundred dollars per annum.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark

A. McCOY, Clerk, N. Com.
E. BOUDINOTT, Clerk N. Council.

———0:0———

*New Town, C. N., 10th November*, 1825.

*Resolved by the National Committee and Council*, That all improvements which may be left by any person or persons removing to another place, and the improvements so left, remain unoccupied for the term of three years, such improvements shall be considered abandoned and any other person or persons, whatsoever, may take and go in possession of such improvements, in the same manner as if there were no improvements.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark.

A. McCOY, Clerk N! Com.
E. BOUDINOTT, Clerk N. Council.

———o:o———

*New Town, Cherokee Nation, November 12th*, 1825.

*Resolved by the National Committee and Council*, That all lawful contracts shall be binding, and whenever judgment or judgments shall have been obtained from any of the Courts of justice in the Cherokee Nation, against any person or persons whatsoever, on a plea of debt, it shall be lawful for such person or persons to stay such judgment or judgments by giving bond with sufficient security within five days after such judgment shall have been issued; and the stay shall not

exceed ... all sums under ten dollars, twenty days; for all sums from ten and under thirty dollars, sixty days; for all sums from thirty and under fifty dollars, ninety days; for all sums from fifty dollars and under one hundred, six months; and for all sums over one hundred dollars, nine months; and in case the person or persons against whom judgment or judgments shall be issued, fail to give bond and security as aforesaid, it shall be the duty of the officer or officers, in whose hands such judgment or judgments may be placed, to levy upon his, her or their property, and advertise the same for public sale. For all sums from one to one hundred dollars, ten days; for all sums over one hundred and fifty, twenty days; for all sums over two hundred and fifty dollars, thirty days indulgence shall be given for the redemption of such property, and should the property so advertised for sale be not redeemed in the periods herein stated, it shall be sold at public vendue, to the highest bidder, for ready money. The property so sold, shall become the rightful property of the purchaser or purchasers, and the lawful officers disposing of the same shall be, and are, hereby authorised to issue bills of sale for all such property sold, agreeable to their official authorities. All sums over the amount of the debt for which the property is sold after deducting officer's fees, shall be returned to the proper owner or owners.

*Be it further Resolved*, That it shall not be lawful for any officer or officers to attach, and sell the following property of any person or persons, on any account whatsoever, to wit: houses, farms and other improvements; household and kitchen furniture, farming utensils; and also, one cow and calf, one sow and pigs, and one gun, shall be reserved.

JNO. ROSS, Pres't. N. Com.
MAJOR RIDGE, Speaker.

Approved—PATH his mark KILLER.

A. McCOY, Clerk N. Com.

———o:o———

*New Town, Cherokee Nation*, 12*th November*, 1825.

*Resolved by the National Committee and Council*, That

mechanics of the several branches of trade, of good character and sobriety, and well skilled in their respective professions, are hereby privileged and admitted to come into the Cherokee Nation for the term of four or five years, under the request and superintendence of such respectable individuals as are interested in the improvement of the youths of this country, who shall obtain from the proper authority a permit for them; such mechanics when brought into the Nation, shall be bound to set up a shop and carry on their trade regularly, for the time permitted, and shall further be bound to take under their care for instruction, as many apprentices as practicable, and to learn them their respective crafts; and

*Be it further resolved*, That the District Courts be, and they are, hereby authorised to bind out such youths, with the consent and approbation of their parents or guardians, as may apply for admission as apprentices to any of the aforesaid mechanics, such mechanics entering into bond and giving such person or persons introducing them into the Nation as securities, that they will honestly and faithfully, instruct such apprentices as may be bound under them, in their trade; and the mechanics and securities are authorised to call upon, and it shall be the duty of any public officer to arrest and return, any apprentices, that may run away; and further, the various mechanics introduced, under this law, shall be amenable to the authorities and laws of this Nation, for any offence they may commit.

JNO ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark.
CH. R. HICKS.

A. McCOY, Clerk of Com.
E. BOUDINOTT, Clerk N. Council.

———o:o———

*New Town, Cherokee Nation, November 12th*, 1825.

*Resolved by the National Committee and Council*, That all persons who may be subpœned by the Clerk of any of the Courts to appear before any of the Courts as evidence in any

case, and such person or persons refusing to appear and bear evidence, and he, she or they being unable to make any reasonable or lawful excuse for not appearing, such person or persons, upon conviction, shall pay a fine of twenty dollars for every such offence, to be collected for the benefit of the person or persons non-suited, or cast in consequence of the want of that person or persons' testimony; and

*Be it further resolved*, That such witnesses, attending agreeably to the summons, he, she or they, shall be entitled to receive seventy-five cents per day for each day's attendance, including the time for going and returning, and to be levied off the person or persons against whom judgment may be issued. These resolutions to be considered as an amendment to the law passed Nov. 12th, 1824; and to supercede the section embracing similar cases.

JNO ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.

Approved—PATH his ✕ mark KILLER,

A. McCOY, clerk of Com.
E. BOUDINOTT, Clerk N. Council.

———o:o———

*New Town, Cherokee Nation, November 12th 1825.*

*Resolved by the National Committee and Council*, That one hundred town lots, of one acre square, be laid off on the Oostenallah river, commencing below the mouth of the creek, nearly opposite to the mouth of Caunausauga river. The public square to embrace two acres of ground, which town shall be known and called Echota; there shall be a main street of sixty feet and the other streets shall be fifty feet wide.

*Be it further resolved*, That the lots, when laid off, be sold to the highest bidder. The purchaser's right shall merely be occupancy, and transferrable only to lawful citizens of the Cherokee Nation, and the proceeds arising from the sales of the lots shall be appropriated for the benefit of the public buildings in said town; and

*Be it further resolved*, That three commissioners be ap-

pointed to superintend the laying off the aforesaid lots, marking and numbering the same, and to act as chain carrier, and a surveyor be employed to run off the lots and streets according to the plan prescribed. The lots to be commenced running off on the second Monday in February next, and all the ground lying within the following bounds, not embraced by the lots, shall remain vacant as commons for the convenience of the town; viz: beginning at the mouth of the creek, opposite the mouth of Caunausauga, and up said creek to the mouth of the dry branch, on which George Hicks lives, up said branch to the point of the ridges, and thence in a circle round along said ridges, by the place occupied by the Crying Wolf, thence to the river.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KLILER,
mark.
CH. R. HICKS.

A. McCOY, clerk of Com.
E. BOUDINOTT, Clerk N. Council.

———o:o———

*New Town, Cherokee Nation, November 12th, 1825.*

*Judge Martin, George Saunders and Walter S. Adair*, are elected commissioners to superintend the laying off the lots in the town of Echota.

By order. JNO. ROSS, Pres't N. Com.
A. McCOY, clerk of Com.

———o:o———

*Echota, Cherokee Nation, November 12th, 1825.*

The subject of the improvements made, and now occupied by individuals, on the public ground selected for the jurisdiction of the town of Echota, have been taken up by the National Committee. The question arising is, whether the Nation is bound to pay for any such improvements made by individuals since the site has been selected by the

Nation for the establishment of a town as the seat of government. The decision of the Committee on this question is, that the Nation is not bound to make compensation for any such improvements; but in order to extend indulgence toward Alex. McCoy and E. Hicks, who are now living within said bounds, and are in possession of dwelling houses of some value, it is hereby agreed and

*Resolved by the National Committee and Council*, That should the dwelling houses of the aforesaid McCoy and Hicks fall within lots which are to be laid off, they shall have the preference of occupancy to said lots, *Provided* they pay for the same at the rate which any other lot of equal value and advantageously situated may sell for; it is further agreed and admitted, that the improvement lately occupied by War Club, and the one now in the possession of the Crying Wolf shall be paid for at the public expense; agreeably to the valuation made by W. Hicks, Geo. Saunders and Jos. Crutchfield.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark.
CH. R. HICKS.

A. McCOY, clerk Com.
E. BOUDINOTT, Clerk N. Council.

———o:o———

*Echota, Cherokee Nation*, 14th *November*, 1825.

*Resolved by the National Committee and Council*, That a memorial be drawn up and presented, through the United States' Agent for this Nation, to the Congress of the United States, claiming, and respectfully soliciting, the allowance of interest on the twenty years annual instalment of one thousand dollars per annum, arising from the treaty of Tillico 24th October, 1804, which has recently been ratified on the part of the United States; and that the proper papers showing that this Nation had heretofore demanded of the United States government the fulfilment of the treaty, with interest, also to accompany the memorial.

*Be it further resolved*, That a communication be address-

ed to the United States' Agent for this Nation, touching the non-compliance, on the part of the Unicoy turnpike company to make the annual payments, promised under the articles of agreement granting the opening said road, and to request that measures may be taken to coerce the said Unicoy turnpike company to comply with the articles of agreement which have been ratified by the treaty of 1819.

JNO. ROSS, Pres't. N. Com.
MAJOR RIDGE, Speaker of Council.
his
Approved.—PATH ⋊ KILLER,
mark.
CH. R. HICKS.
A. McCOY, clerk of Com.

———o:o———

*Echota, Cherokee Nation, November 14th, 1825.*

*Resolved by the National Committee and Council,* That John Ross, E. Hicks and E. Boudinott, are hereby authorised to draft a memorial in behalf of the Cherokee Nation, to the Congress of the United States, soliciting and praying, interest to be allowed on the $23,000 accruing from the treaty of Tellico, 1824; and also, to draw up a communication to the United States' Agent of this Nation, on all important matters touching the interest of this Nation; and also to arrange and prepare the revision of the laws of this Nation for the press.

JNO. ROSS, Pres't N. Com
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark
CH. R. HICKS,
A. McCOY, clerk Com.
E. BOUDINOTT, Clerk N. Council.

———o:o———

*Echota, Cherokee Nation, 14th November, 1825.*

*Resolved by the National Committee and Council,* That

the Commissioners appointed to superintend the surveying, in carrying chains, laying off lots and staking the same, in the town of Echota, shall be allowed and paid the sum of two dollars per day.

JNO. ROSS, Pres't N. Com
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark
CH. R. HICKS.

A. McCOY, clerk Com.
E. BOUDINOTT, clerk N. Council.

———o:o———

*Echota, Cherokee Nation, November 11th, 1825.*

ALEXANDER McCoy is hereby authorised and permitted to cultivate and raise a crop the ensuing year, in the field lying on the river below the ferry, and also the one lately owned by the War Club, on the river below the mouth of the spring branch, which improvements belong to the public, and lie within the town of Echota; *Provided*, said McCoy does not suffer the stakes to be removed which are to separate the town lots, to be laid off in said fields, and that said McCoy surrender possession of those fields to the public on or before the second Monday in October next.

JNO. ROSS, Pres't. N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark
CH. R. HICKS.

A. McCOY, clerk of Com.
E. BOUDINOTT, clerk Coun'l.

———o:o———

*The National Committee* have elected W. S. Adair circuit Judge for Hickory Log and Hightower districts, in place of James Daniel, resigned.

The Committee have also elected Moses Parris as district

Judge for Hickory Log district, in place of Thos. Saunders, resigned. The Committee have also elected W. Hicks, as a member of Council for Coosawatee district, in place of White Path, removed.

Submitted to the Council for concurrence.

JNO. ROSS, Pres't. N. Com.
MAJOR RIDGE, Speaker.

Approved—PATH his mark KILLER.

———o:o———

*Know all men by these presents*, That we, G. Hicks, Elijah Hicks and Lewis Ross, securities, are held and firmly bound in the penal sum of one thousand dollars, well and truly to be paid to Charles R. Hicks, Treasurer of the Cherokee Nation, or his successors in office. The condition of the above bond is such, that the said G. Hicks is appointed Marshal of Coosawatee district, for the purpose of executing and carrying the laws of the Nation into effect, without favor or affection, and to exact no more fees for collection, than what is allowed by law; and further, the said Hicks, is bound not to take interest in behalf of any person or persons engaged in law suits so as to influence the decision of such suit or suits, either by selecting partial jurors, or pleading in behalf of either party, or using any means whatever, or causing the same to be done, so as to defeat a fair and an impartial trial and just decision, during the time he, the said Hicks, shall be in commission; and this obligation being duly and faithfully observed and carried into effect, shall be null and void when the commission expires; or otherwise, the said Hicks, Elijah Hicks and Lewis Ross, securities, their heirs, &c., shall be firmly bound in the penalty herein stated, and the same shall be recoverable in any courts of justice. As witness our hands and seals, this 9th day of November, 1825.

GEO. HICKS,
E. HICKS, } *Securities*
LEWIS ROSS, }

*Witnesses*
JNO. ROSS,
A. McCOY,
JAS. DANIEL.

## The form of the Oath administered to the Several Officers.

You do solemnly swear, by the Holy Evangelists of Almighty God, that you as Marshal of Coosawatee district, will strictly support and observe the laws of the Cherokee Nation, and to execute the decisions of the Courts, and make collections without favor or affection, to any person or persons whatsoever, to the best of your knowledge and abilities; so help you God.

———o:o———

*Creek Nation, at Gen. William McIntosh's, in Council between the Creeks and Cherokees have this day made a Treaty about their boundary line, viz:*

Art. 1st. A line we do hereby acknowledge, shall be run from Buzzard Roost, on the Chattahoochee river, a direct line so as to strike the Coosa river opposite the mouth of Will's creek, thence down the bank of said river opposite to Fort Strother, on said river; all north of said line is the Cherokee lands, all south of said line is the Creek lands.

Art. 2d. We the Commissioners, do further agree that all the Creeks that are north of the said line above mentioned shall become subjects to the Cherokee Nation.

Art. 3d. All Cherokees that are south of the said line shall become subjects of the Creek Nation.

Art. 4th. If any chief or chiefs of the Cherokees should fall within the Creek Nation; such chief shall be continued as chief of said Nation.

Art. 5th. If any chief or chiefs of the Creeks should fall within the Cherokees, that is, north of said line, they shall be continued as a chief of said Nation.

Art. 6th. If any subject of the Cherokee Nation should commit murder and run into the Creek Nation, the Cherokees will make application to the Creeks to have the murderer killed, and when done, the Cherokee Nation will give the man who killed the murderer, $200.

Art. 7th. If any subject of the Creek Nation should commit murder and run to the Cherokees, the Creeks will make application to the Cherokees to have the murderer killed, and

when done the Creek Nation will give the man who killed the murderer $200.

Art. 8th. If any Cherokees should come over the line and commit murder or theft on the Creeks, the Creeks will make a demand of the Cherokees for satisfaction.

Art. 9th. If any Creeks should come over the line and commit murder or theft on the Cherokees, the Cherokees will make a demand of the Creeks for satisfaction.

Art. 10th. All claims of theft from the time of the meeting held at Hickory ground, Coosa river, near Fort Jackson, with the Four Nations, at the time Boots was taken, up to this date, it is agreed by the commissioners of both Nations that they shall be foreclosed by this treaty.

Art. 11th. All individual debts, the creditors will look to their debtors.

Art. 12th. The Commissioners of both Nations do agree the lines described in the foregoing treaty, shall be ratified, when the heads of both Nations sign the treaty.

We, the Commissioners, do hereby set our hands and seals this eleventh day of December, 1821.

The above treaty of boundary run by Gen. W. McIntosh and Samuel Hawkins, Commissioners duly authorised by their Nation, and Thomas Petitt and John Beamer, authorized Commissioners of the Cherokee Nation, is forever hereafter acknowledged by both Nations to be permanent.

## CHEROKEE NAMES.

Chuliod, Old Turkey, Ta-car-sut-tah, Walking Stick, T Woodward, Ta-car-sen-na, Oo-ta-la-tah, Will Interpreter, The Boot, Small Wood, Path Killer.

## CREEK NAMES.

Gen. Wm. McIntosh, Es-tun-e-tus-tun-e-gee, Ta-us-ho-heu-lock, Can-chau-tus-tun-e-gee, Tuskinhun, Tus-tin-e-gee, Na-han-lockopy, Chau-the-ke-tus-tin-e-gee, Is-po-go-mico, Dick Interpreter, Ha-be-he-lus-tin-ne-gee, Tus-ten-ne-cho-poy, Ha-poy-e-hau-gee, Tus-ke-he-now, John Stedhouse, William Hambly, Big Warrior.

*Witnesses.*

Major Ridge,
Daniel Griffin.

Joseph Vann, clerk to the Commissioners.

*Be it remembered*, This day, that I have approved of the treaty of boundary, concluded on by the Cherokees, east of the Mississippi, and the Creek Nation of Indians, on the 11th day of December, 1821, and with the modifications proposed by the Committee and Council, on the 28th day of March, in the current year. Given under my hand and seal at Fortville, this 16th day of May, 1822.

CH. R HICKS.

*Witness*,
LEONARD HICKS.

———o:o———

WHEREAS, The treaty concluded between the Cherokees and Creeks, by Commission duly authorized by the chiefs of their respective nations, at Gen. Wm. McIntosh's on the eleventh day of December, (A. D.,) one thousand eight hundred and twenty-one, establishing the boundary line between the two nations, has this day been laid before the members of the National Committee, by the head Chiefs and members of Council of the Cherokee Nation, and Samuel Hawkins, Sah-naw-wee, Ninne-ho-mot-tee and In-des-le-af-kee, Chiefs duly appointed and authorised by the head Chiefs of the Creek Nation, for friendly explanation and full understanding of the constructions to be placed on the different articles contained in the aforesaid treaty, and to make such alterations as may be conceived necessary for the peace and harmony and friendship existing between the two nations; therefore, we the undersigned, in behalf of our respective nations, do hereby enter into the following agreement; viz:

The first article of the aforesaid treaty, establishing the boundary between the two nations from Buzzard Roost, on the Chattahoochee river, in a direct line to Coosa river, opposite to the mouth of Will's creek, thence down said river opposite to Fort Strother, is hereby acknowledged and shall forever be permanent.

The 2d and 3d articles, making provision for the citizens of both nations, who may fall within the limits of the other, after running the line, to become subjects thereof shall not be construed so as to compel the individuals falling within the limits of the other to become subjects of that nation, but it shall be left entirely to their own choice.

The 4th and 5th articles providing for the chiefs of both nations who may fall within the limits of the other, and choose to become subjects thereof, shall not be construed so as to compel either nation to keep such chief or chiefs in the authorities of their respective Councils, but the two nations shall exercise their own authorities in the selection and appointments of their own chiefs.

The 6th and 7th articles are hereby repealed and made void and the following agreement substituted; viz: In case a citizen or citizens of either nation, committing murder in their own nation, and escaping to the nation of the other party for refuge, and the chiefs of the nation from whence the murderer or murderers so absconded, should, in their Council, issue a proclamation offering a reward for the apprehension of such murderer or murderers, the chiefs of the contracting nations agree to use every measure in their power to have the offender or offenders apprehended and delivered over to the chiefs of the nation from whence such murder or murders may have escaped.

The 8th and 9th articles, so far as relates to crossing the line and committing murder on the subjects of the other, is approved and adopted; but respecting thefts, it is hereby agreed that the following rule be substituted, and adopted; viz:—Should the subjects of either nation go over the line and commit theft, and he, she or they be apprehended, they shall be tried and dealt with as the laws of that nation directs, but should the person or persons so offending, make their escape and return to his, her or their nation, then the person or persons so aggrieved, shall make application to the proper authorities of that nation for redress, and justice shall be rendered as far as practicable, agreeably to proof and law, but in no case shall either nation be accountable.

The 10th article is approved and adopted and all claims for thefts, considered closed by the treaty as stipulated in that article.

The 11th article is approved and adopted, and it is agreed further, the contracting nations will extend their respective laws with equal justice towards the citizens of the other in regard to collecting debts due by the individuals of their nation to those of the other.

The 12th article is fully approved and confirmed. We do hereby further agree to allow those individuals who have fell

within the limits of the other, twelve months from the date hereof, to determin whether they will remove into their respective nations, or continue and become subjects of that nation; and it is also agreed, that in case the citizens of either nation, who may choose to remove into the nation of the other and become subjects thereof, such person or persons shall be required to produce testimonials of their good character from the Councils of their respective nations and present the same before the Councils of the other nation; and should the chiefs thereof then think proper to receive and admit them, it may so be done

In behalf of our respective nations, we do hereby adopt the above modifications and explanations of the several articles of the treaty establishing the boundary line between the two nations, and also the additional agreement now made, shall hereafter be considered the basis on which our respective cititens shall be governed. In witness whereof we have hereunto set our hands and seals, this 30th day of October, 1823.

JNO. ROSS, Pres't N. Com.

Geo. Lowry, Richard Taylor, Tho's Fareman, Tho's Petit, The Hair, John Bawldridge, Sleeping Rabbit, John Downing, Kelechulah, Cabbin Smith, Chu-wal-o-kee, John Beamer, Going Snake, Chickesawtee, *Cherokee Commissioners.*

Approved—PATH ⋈ KILLER,

Sam'l Hawkins, In-de-le-af-kee, Sah-now-wee, Nin-ne-ho-mot-tee, *Creek Commissioners.*

WHEREAS, the General Council of the Cherokee Nation, now in session, having taken into consideration the subject of adopting a Constitution for the future Government of said Nation, and after mature deliberation, it is deemed expedient that a Convention be called, and in order that the wishes of the people of the several Districts may be fairly represented on this all important subject,

*It is hereby resolved by the National Committee and Council*, That the persons hereinafter named be, and they are hereby nominated and recommended to the people of their respective Districts as candidates to run an election for seats in the Convention; and three out of the ten in each District who shall get the highest number of votes shall be elected; and for the convenience of the people in giving in their votes, three precincts in each District are selected, and superintendents and clerks to the elections are chosen; and no person but a free male citizen who is full grown shall be entitled to a vote; and each voter shall be entitled to vote for three of the candidates herein nominated in their respective Districts, and no vote by proxy shall be admitted; and that all the votes shall be given in *viva voce;* and in case of death, sickness or other incident which may occur to prevent all or any of the superintendents from attending at the several precincts to which they are chosen, the people of the respective precincts shall make a selection to fill such vacancies. And in case of similar incident occurring to any of the members elect, the person receiving the next highest number of votes shall supply the vacancy.

In *Chickamauga District*, John Ross, Richard Taylor, John Baldridge, Jas. Brown, Sleeping Rabbit, John Benge, Nathaniel Hicks, Sicketowee, Jas. Starr and Daniel McCoy, are nominated and recommended as candidates; and the election in the first precinct shall be held at or near Hicks' mill, and Charles R. Hicks, and Archibald Fields, are chosen superintendents, and Leonard Hicks, clerk. The election in the second precint shall be held at or near Hunter Langley's in Lookout valley, and James Lowrey and Robert Vann are chosen superintendents, and John Candy, clerk. The election in the third precinct shall be held at the court house, and Joseph Coodey and William S. Coodey, are chosen superintendents, and Robert Fields, clerk.

In *Chattooga District*, George Lowrey, Samuel Gunter,

Andrew Ross, David Vann, David Brown, Spirit, The Bark, Salecooke, Edward Gunter and John Brown, are nominated and recommended as candidates; and the election in the first precinct in this District shall be held at or near Edward Gunter's school house in Creek Path valley, and Alexander Gilbreath and Dempsey Fields are chosen superintendents, and John Gunter, clerk. The election in the second precinct shall be held at or near Laugh at Mush's house, in Wills valley, and William Chamberlin and Martin M'Intosh are chosen superintendents, and George Lowrey, jr., clerk. The election in the third precinct shall be held at the court house, and Charles Vann and James M'Intosh are chosen superintendents, and Thomas Wilson, clerk.

In *Cooseewaytee District*, John Martin, W. S. Adair, Elias Boudinott, Joseph Vann, John Ridge, William Hicks, Elijah Hicks, John Saunders, Kelechulah, and Alex. McCoy, are nominated and recommended as candidates. The election in the first precinct in this District shall be held at or near William Hicks' house on Oonkillokee creek, and Edward Adair and G. W. Adair are chosen superintendents, and Stand Watie, clerk. The election in the second precinct shall be held at Elechaye, and George Saunders and Robert Saunders, are chosen superintendents, and James Saunders, clerk. The election in the third precinct shall be held at the court house, and George Harlin and William Thompson are chosen superintendents, and Jos. M. Lynch, clerk.

In *Ahmohee District*, The Hair, Lewis Ross, Thos. Foreman, John Walker, Jr. Going Snake, George Fields, James Bigbey, Deer-in-water, John M'Intosh, and Thomas Fields, are nominated and recommended as candidates. The election in the first precinct in this District shall be held at or near Kalsowee's house at Long Savannah, and Wm. Blythe and John Fields, are chosen superintendents, and Ezekiel Fields, clerk. The election in the second precinct shall be held at or near Bridge Maker's house, at Ahmohee Town, and Ezekiel Starr and Michael Helterbrand, are chosen superintendents, and James M'Nair, clerk. The election in the third precinct shall be held at the court hourse, and David M'Nair and James M'Daniel, are chosen superintendents, and T. W. Ross, clerk.

In *Hickory Log District*, James Daniel, George Still,

Woman Killer, Robert Rogers, Moses Parris, John Duncan, Moses Downing, George Ward, Tahquoh, and Sam. Downing, are nominated and recommended as candidates. The election in the first precinct in this District, shall be held at or near George Welch's house, at the Cross Roads, and A. Hutson and E. Duncan, are chosen superintendents, and Joshua Buffington, clerk. The election in the second precinct shall be held at or near Big Savannah, and John Downing and E. M'Laughlin, are chosen superintendents, and John Daniel, clerk. The election in the third precinct shall be held at the court house, and John Wright and Ellis Harlin, are chosen superintendents, and Moses Daniel, clerk.

In *Hightower District*, George M. Waters, Joseph Vann, Alexander Saunders, John Beamer, Walking Stick, Richard Rowe, The Feather, Old Field, Te-nah-la-wee-stah, and Thomas Pettit, are nominated and recommended as candidates. The election in the first precinct in this District shall be held at or near the Old Turkey's house, and Tahchi-see and John Harris, are chosen superintendents, and Andrew Vann, clerk. The election in the second precinct shall be held at or near You-hah-lah town-house, and Kani-to-hee and Young Rogers, are chosen superintendents, and John Sanders, clerk. The election in the third precinct shall be held at the court house, and Charles Moore and W. Thompson, are chosen superintendents, and Joseph Philips, clerk.

In *Tahquohee District*, Chuwalookee, George Owen, Toonah-na-lah, Wm. Bowlin, Chips, Ooclen-not-tah, Soo-wa-kee, Sour John, The Tough, and Charles, are nominated and recommended as candidates. The election in the first precinct in this District, shall be held at or near Nahtahyalee, and A. M'Daniel and Metoy, are chosen superintendents, and Thomas, clerk. The election in the second precinct shall be held at or near The Spirit's house, and Benjamin Timson and Edward Timson, are chosen superintendents, and J. D. Wofford, clerk.

In *Aquohee District*, Sitewake, Bald Town George, Richard Walker, John Timson, Allbone, Robin, (Judge Walker's son-in-law) Ahtoheeskee, Kunsenee, Samuel Ward, and Kalkalloskee, are nominated and recommended as candiduates. The election in the first precinct in this District, shall be held at or near Tasquittee, and Thompson and Dick Downing, are chosen superintendents, and William Reid, clerk.

The election in the second precinct shall be held at or near Samuel Ward's house, and Isaac Tucker and John Bighead, are chosen superintendents, and David England, clerk. The election at the third precinct shall be held at the court house, and Whirlwind and Bear Conjurer, are chosen superintendents, and Rev. E. Jones, clerk.

*Be it further resolved*, That the election at the several places herein selected for each District, shall be held on the Saturday previous to the commencement of the Courts for May Term next, and a return of all the votes given shall be made to the superintendents of the election at the court house on the Monday following, being the first day of court, with a certificate of the polls, signed by the superintendents and clerks, and after all the votes being collected and rendered in, the three candidates having the highest number of votes shall be duly elected, and the superintendents and clerks at the court house, shall give to each of the members elected a certificate. And in case there shall be an equal number of votes between any of the third candidates, the members of the Convention shall give them the casting vote, and that the superintendents shall, before entering upon their duties, take an oath for the faithful performance of their trusts; and that the members so elected shall, on the 4th day of July next, meet at Echota and form a Convention, and proceed to adopt a Constitution for the Government of the Cherokee Nation.

*Be it further resolved*, That the principles which shall be established in the Constitution, to be adopted by the Convention, shall not in any degree go to destroy the rights and liberties of the free citizens of this Nation, nor to effect or impair the fundamental principles and laws, by which the Nation is now governed, and that the General Council to be convened in the fall of 1827 shall be held under the present existing Authorities; *Provided nevertheless*, that, nothing shall be so construed in this last clause so as to invalidate or prevent the Constitution, adopted by the Convention, from going into effect after the aforesaid next General Council.

*New Echota, 13th October*, 1826.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋈ KILLER.
mark.

*New Echota, Cherokee Nation, 13th October,* 1826.

*Resolved by the National Committee and Council,* That the Principal Chiefs of the Cherokee Nation, the members of the National Committee, the members of Council, the Judges of the several Courts, and all the officers of the Nation, likewise jurymen, before entering upon the duties of their respective offices, shall take an oath before some authorized person to discharge their duties faithfully and impartially to the best of their abilities.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark.
CH. R. HICKS.

A. McCOY, clerk Com.
E. BOUDINOTT, clerk Coun'l.

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*New Echota, Cherokee Nation, 13th October,* 1826.

*Resolved by the National Committee and Council,* That no person who disbelieves in the existence of the Creator, and of rewards and punishments after death, shall be eligible to hold any office under the government of the Cherokee Nation, nor be allowed the privilege of his or her testimony in any court of justice.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark

A. McCOY, clerk, N. Com.
E. BOUDINOTT, clerk N. Council.

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*New Echota, Cherokee Nation, October 14th,* 1826.

*Resolved by the National Committee and Council,* That Mr.

Ch. R. Hicks, one of the Principal Chiefs, be and he is hereby authorized to administer the oath of office to the members of the National Committee, the members of Council, and the several circuit Judges of the Nation, and the President of the National Committee be and he is hereby authorized to administer the oath of office to the two Principal Chiefs; and the circuit Judges shall administer the oath of office to all other officers within their respective Districts.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.

his
Approved—PATH ⋊ KILLER,
mark.

A. McCOY, clerk N Com.
E. BOUDINOTT, clerk N. Council.

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*New Echota, Cherokee Nation, October 14th*, 1826.

*Resolved by the National Committee and Council*, That a child under the age of twelve years, whose tender age renders it improbable that he or she should be impressed with a proper sense of moral obligation or of sufficient capacity, deliberately to have committed an offence, shall not be considered, or found guilty of any crime or misdemeanor; nor a lunatic or a person insane without lucid intervals, shall be found guilty of any crime with which he or she may be charged; *Provided*, the act so charged as criminal shall have been committed in the condition of such lunacy or insanity.

*Be it further resolved*, That an idiot shall not be found guilty or punished for any crime or misdemeanor with which he or she may be charged:

*Be it further resolved*, That any person counselling, advising, or encouraging a child under the age of twelve years, or a lunatic, or an idiot to commit an offence, shall be prosecuted for such an offence when committed, as principal, and if found guilty shall suffer the same punishment as would have been inflicted on said child, lunatic or idiot, if he or she had possessed discretion, and had been guilty.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.

*New Echota, Cherokee Nation, October 16th 1826.*

*Resolved by the National Committee and Council,* That any woman or women whatsoever, who shall be found guilty, before any of the courts of justice, of committing infanticide during her or their state of pregnancy, shall upon conviction receive fifty lashes; and that any person or persons who shall also be found guilty or accessary to such an act shall likewise receive the same punishment.

*Be it further resolved,* That any person or persons whatsoever, who shall wantonly fabricate a report without proof against any woman or women of committing infanticide, through maliciousness, with the intent of injuring or destroying the character of such woman or women, such person or persons upon conviction before any of the courts shall receive fifty lashes and pay a fine at the discretion of the court, for the benefit of the slandered person or persons.

JNO ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark.

A. McCOY, clerk of Com.
E. BOUDINOTT, Clerk N Council.

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*New Echota, Cherokee Nation, October 28th, 1826.*

*Resolved by the National Committee and Council,* That in case of all contracts and debts payable in property when the contracting parties have not specified any fixed period for payment, it shall be the duty of the creditor or agent to give the debtor ten days notice of a certain place of delivery, to make the payment according to contract, and if such notification be not complied with, it shall then be lawful for the proper officer to proceed, as the law directs, in levying upon and disposing of, at public sale to the highest bidder, the property of such debtor or debtors. This is to be an amendment of the act of 12th November, 1825.

JNO. ROSS, Pres't Com.
MAJOR RIDGE, Speaker.

*New Echota, Cherokee Nation, October 28th,* 1826.

*Resolved by the National Committee and Council,* That all improvements which may be left by any person or persons and removing to another place, and the improvements so left remain unoccupied for the term of one year, such improvements shall be considered abandoned, any other person or persons whatsoever may take, and go into possession of, such improvements in the same manner as if there were no improvements. This act to be an amendment to the one passed 10th Nov. 1825, and to take effect from the present date.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker
his
Approved—PATH ⋊ KILLER,
mark.

A. McCOY, clerk N. Com.
E. BOUDINOTT, clerk Com'l.

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*New Echota, Cherokee Nation, November 28th,* 1826.

*Resolved by the National Committee and Council,* That in case the rightful owner or owners of any property, which may be sold under the estray laws, shall discover their property and produce good and sufficient proof before the National Treasurer, within the period of eighteen months after the money has been paid into the National Treasury, in such cases the owner or owners of such property shall be entitled to receive the nett proceeds derived from the sale of his, her or their property; and this law shall be an amendment to that passed on the 25th of October, 1825, providing for the appointment of Rangers, and to take effect from the date of the amendment.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KLILER,
mark.
CH. R. HICKS.

A. McCOY, clerk of Com.

*New Echota, Cherokee Nation, November 2d,* 1826.

*Resolved by the National Committee and Council,* That a house shall be built for a printing office, of the following dimensions; 24 by 20 feet, one story high, shingle roof, with one fire place, one door in the end of the house, one floor, and a window in each side of the house two lights deep, and ten feet long, to be chincked and lined in the inside with narrow plank; with the necessary watering benches and type desks requisite for a printing office.

GEO. LOWREY, Pres't pro-tem.
MAJOR RIDGE, Speaker,
his
PATH ⋊ KILLER,
mark
CH. R. HICKS.

A. McCOY, clerk Com.
E. BOUDINOTT, clerk Coun'l.

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*New Echota, Cherokee Nation, 4th November,* 1826.

*Resolved by the National Committee and Council,* That David Brown and George Lowrey be, and they are hereby appointed to translate eight copies of the laws of the Cherokee Nation, as early as convenient, into the Cherokee language, written in characters invented by George Guess, and also to translate one copy of the New Testament in the same characters, and to present them to the General Council, when completed, and the National Committee and Council shall compensate them for their services.

JNO. ROSS, Pres't. N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark
CH. R. HICKS.

A. McCOY, clerk of Com.
E. BOUDINOTT, clerk Coun'l.

*New Echota, Cherokee Nation, 4th November*, 1826.

*Resolved by the National Committee and Council*, That the Treasurer be, and he is hereby directed to purchase at the public expense, a sledge hammer and a screw plate for Kallonoohasgih, provided that the articles do not cost more than eight dollars, which sum is hereby appropriated for that object.

JNO. ROSS, Pres't. N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋈ KILLER.
mark.

A. McCOY, clerk N. Com.
E. BOUDINOTT, Clerk N. Council.

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*New Echota, Cherokee Nation, November 15th*, 1826.

*Resolved by the National Committee and Council*, That the sum of two hundred and fifty dollars be, and the same is hereby appropriated out of the public funds, for the purpose of paying for a house which is directed by law to be built for a Printing Office in the Town of Echota:

*And be it further resolved*, That the Treasurer be, and he is hereby authorised to appoint three Commissioners to inspect the said building, when completed and if finished, agreeable to the obligation of the undertaker, that said Commissioners be authorised to receive the building: And upon the undertaker producing a certificate before the Treasurer signed by the Commissioners, shewing that the work was completed and examined and received by them agreeable to contract, he the Treasurer is authorised to pay the undertaker the amount herein appropriated.

JNO. ROSS, Pres't N. Com
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋈ KILLER,
mark
CH. R. HICKS.

A. McCOY, clerk Com.

*New Echota, Cherokee Nation, 16th November, 1826.*

*Resolved by the National Committee and Council,* That all persons who may be found lurking about from place to place in the Cherokee Nation, and who are not lawful citizens of this country, nor remaining under a lawful permit, shall be viewed and considered as intruders, and it shall be the duty of the several officers, to notice whether such persons are to be found in their respective districts, and to give them ten days notice to remove out of the Cherokee Nation; and in case of their not complying with the notification, it shall be the duty of the officers to arrest such persons, and to deliver them over to the United States' Agent for this Nation to be proceeded against as the laws of the United States direct.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark.
CH. R. HICKS.

A. McCOY, clerk Com.
E. BOUDINOTT, Clerk N. Council.

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*Resolved by the National Committee and Council,* That the Treasurer be, and he is hereby directed not to receive into the Treasury from the Agents of the United States, on account of the annual stipends, which are to be paid by them to the Cherokee Nation, any other description of money than Specie, Treasury or Notes of the United States Bank.

*New Echota, Nov. 16, 1826.*

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark
CH. R. HICKS.

A. McCOY, clerk Com.
E. BOUDINOTT, Clerk N. Council.

*Resolved by the National Committee and Council*, That, no person shall be allowed to erect or establish a billiard table in the Cherokee Nation without first obtaining a license from the Treasurer of the Nation, and paying into the Treasury the sum of two hundred dollars as a tax per annum, and such license shall not be given for a longer period than one year at a time; and any person or persons, who shall erect or establish a billiard table without first obtaining a license as herein required, shall, upon conviction, pay a fine of four hundred dollars, for the benefit of the Cherokee Nation.

*New Echota, Nov.* 16, 1826.

JNO. ROSS, Pres't N. Com.
MAJOR RIDGE, Speaker.
his
Approved—PATH ⋊ KILLER,
mark.

A McCOY, clerk N. Com
E. BOUDINOTT, Clerk N. Council.

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*Resolved by the National Committee and Council*, That Isaac H. Harris be, and he is hereby appointed principal Printer for the Cherokee Nation, whose salary shall be four hundred dollars a year, and whose duty shall be to attend to the printing of paper to be printed at New Echota; and it shall further be the duty of said Harris to employ, and he is hereby authorised to employ a journeyman printer, of sober and studious habits in behalf of the Cherokee Nation, in order that the aforesaid paper may be successfully carried into effect.

*And be it further resolved*, That the salary of the journeyman Printer so employed, shall be three hunered dollars a year.

*And be it further resolved*, That the commencement of the salaries of said Printers shall commence and begin on the day of the commencement of the paper, which shall take place as soon as practicable, and that the aforesaid respective sums be, and are hereby appropriated out of any monies in the Treasury not otherwise appropriated; and it shall be the duty of the Editor at the expiration of a term to certify that the Printers have well and faithfully performed their

contracts as printers, which certificates shall be presented to the National Treasurer for payment, who is hereby authorised to engage the aforesaid printers in an obligation of sufficient penalty for default, for the certain performance of printing the National paper.

ELIJAH HICKS, Pres't N. Com.
MAJOR RIDGE, Speaker.
Approved—WM. HICKS,
JNO. ROSS.

A. McCOY, clerk Com.
E. BOUDINOTT, Clerk N. Council.

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*Resolved by the National Committee and Council,* That a person be appointed whose duty it shall be to edit a weekly newspaper at New Echota, to be entitled, the "Cherokee Phœnix," "ᏣᎳᎩ ᏥᏍᏆᏂᎪᏩᏘ," and also to translate matter in the Cherokee language for the columns of said paper as well as to translate all public documents which may be submitted for publication, and that the sum of three hundred dollars per annum be allowed said editor and translator for his services.

*New Echota, Oct* 18, 1826.

ELIJAH HICKS, Pres't N. Com.
MAJOR RIDGE, Speaker Com.
Approved—WILLIAM HICKS,
JNO. ROSS.

A. McCOY, clerk Com.
E. BOUDINOTT, Clerk N. Council.

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*Resolved by the National Committee and Council,* That the salaries of the persons attached to the Cherokee Phœnix, shall be paid quarterly. This to be an amendment to the resolution providing for their salaries, dated Oct. 18th, 1827.

*Be it further Resolved,* That, in order to provide against inconvenience that may arise for want of paper, ink, or other articles requisite in the printing department, it shall be the

duty of the Editor to provide from time to time, the necessary articles as may be needed, which shall be defrayed out of the proceeds of the Cherokee Phœnix.

*Be it further Resolved*, That the Editor of the Phœnix be, and he is hereby required to enter into bond with sufficient security for the faithful performance of all his duties; and that said Editor be and is hereby authorised to receive all monies that may arise from subscriptions for the Phœnix, or from the publication of any other matter; he is also expressly empowered to use his discretion in every respect, in order that the Nation may be benefitted by the institution. All monies arising from the Phœnix shall be paid into the Treasury of the Cherokee Nation, quarterly.

*Be it further Resolved*, That in case of the sickness of the Editor, death or resignation, the Principal Chief shall have the power of appointing a suitable Editor to take charge of the paper in the editorial department, whose salary shall be the same as his predecessor's.

*It is further Resolved*, That, in case of sickness, death, or resignation of the Printers, the place or places so vacated shall be filled by the Principal Chiefs. The salaries shall be the same as the former printers. And in order to have a native printer, it shall be the duty of the Editor to procure if possible, a Cherokee apprentice, whose clothes and board shall be paid out of the proceeds of the Cherokee Phœnix. The clothing of the apprentice shall be common and comfortable. It shall be the duty of the Editor to engage, and make arrangements of said apprentice's board. In the selection of the apprentice, the Editor is required to choose one who speaks and writes the same dialect with the inventor of the Cherokee Alphabet.

*New Echota*, 19*th October*, 1828.

ELIJAH HICKS, Pres't N. Com.
MAJOR RIDGE, Speaker.

Approved—WILLIAM HICKS,
JNO. ROSS.

A. McCOY, Clerk of Com.
E. BOUDINOTT, Clerk N. Council.

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WHEREAS, Arthur H. Henly having submitted, before the

National Committee and Council, certain propositions, with the view of adjusting, by way of compromise, the controversy existing between the Cherokee Nation and the Unicoi Turnpike company, respecting their refusing to pay over to the said Nation, the annual stipend stipulated by the compact granting the Unicoi Turnpike road, and the propositions being considered not equitable, the National Committee and Council have therefore rejected said propositions.

*New Echota, 29th Oct.* 1827.

ELIJAH HICKS, Pres't N. Com.
MAJOR RIDGE, Speaker Coun.
Approved—WILLIAM HICKS,
JNO. ROSS.

A. McCOY, Clerk N. Com.
E. BOUDINOTT, Clerk N. Council

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*Resolved by the National Committee and Council,* That the resolutions passed October 15th, 1825, suspending the poll tax law, and the law imposing a tax on citizen merchants of the Cherokee Nation be, and the same are hereby prolonged one year longer.

*New Echota, Oct.* 24, 1827.

ELIJAH HICKS, Pres't N. Com.
MAJOR RIDGE, Speaker.
Approved—WILLIAM HICKS,
JNO. ROSS.

A. McCOY, clerk N. Com.
E. BOUDINOTT, clerk N. Council.

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*Resolved by the National Committee and Council,* That the Treasurer of the Cherokee Nation be, and he is hereby, required and directed, after the passage of this act, to suspend loaning any more money out of the public funds of this Nation, and also that it shall be the duty of said Treasurer to call in all the monies, which may be due, on or before the first Monday in October 1828; and in order that indulgence may be extended to those who may have borrowed money out of the public Treasury of the Cherokee Nation.

*Be it further Resolved*, That the persons so indebted to the Treasury, after paying their semi-annual interest, shall be allowed, at the discretion of the Treasurer, to continue their loans until the first Monday in October 1828, after which time it shall not be the duty of the Treasurer to loan out any more money, until authorized by the National Committee and Council in General Council convened. This is to be a supplement to the law authorizing loans passed Nov. 5th, 1825.

*New Echota, Oct. 24th*, 1827.

ELIJAH HICKS, Pres't N. Com.
MAJOR RIDGE, Speaker.
Approved—WILLIAM HICKS,
JNO. ROSS.

A. McCOY, clerk, N. Com.
E. BOUDINOTT, clerk N. Council.

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*Resolved by the National Committee and Council*, That the sum of two dollars shall be paid out of the National funds, to the several Judges and Clerks of the several Districts, who were appointed by the resolution authorising the elections for members to the Convention, and that the several Judges or Superintendents and Clerks be, and they are hereby required, to present to the Treasury of the Cherokee Nation, a certificate of their faithful compliance with the said resolution, which certificate shall be signed by the Circuit and District Judges, and the Clerks of the District Courts.

*New Echota, October 26th*, 1827.

GEO. LOWREY, Pres't pro. tem.
Concurred—MAJOR RIDGE, Speaker.
Approved—WM. HICKS,
JNO. ROSS.

A. McCOY, clerk of Com.
E. BOUDINOTT, Clerk N. Council.

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*Resolved by the National Committee and Council*, That the resolution passed November 13th, 1822, reducing the tax on pedlars of eighty dollars to fifty dollars, be, and the same

is hereby reduced to twelve dollars, so as to make it equal to the tax imposed on citizen merchants.

*New Echota, October 18th*, 1827.

ELIJAH HICKS, Pres't N. Com.
MAJOR RIDGE, Speaker Coun.
Approved—WILLIAM HICKS.
A. McCOY, clerk N. Com.
E. BOUDINOTT, Clerk N. Council.

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WHEREAS, much inconvenience has arisen, and the business in the Committee retarded, in consequence of visitors mingling with the members, therefore,

*Resolved by the Committee and Council, in General Council Convened*, That the sum of fifteen dollars be, and the same is hereby appropriated out of any monies in the Treasury, not otherwise appropriated, for the purpose of erecting a partition, or railing, in the Committee Chamber, and for the purpose of procuring additional number of seats.

*And be it further Resolved*, That the President be authorized to appoint a committee to contract with a workman for, and superintend the completion of the same.

*New Echota, 16th Oct.*, 1828.

LEWIS ROSS, Pres't. N. Com.
Concurred—GOING SNAKE, Speaker Coun.
Approved—JNO. ROSS.
WILLIAM S. COODEY, clerk Com.

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*Resolved by the National Committee and Council, in General Council Convened*, That if any person or persons, not citizens of the Cherokee Nation, who may bring into the Cherokee Nation, at the seat of Government, during the sitting of the General Council, any show, or shows, such as wax figures, or such as play actors, such person or persons, shall pay a tax of eight dollars, for the benefit of the Treasury of the Cherokee Nation.

GOING SNAKE, Speaker Coun.
Concurred—LEWIS ROSS, Pres't N. Com.
Approved—JNO. ROSS.

*Resolved by the National Committee and Council, in General Council Convened,* That the law passed November 12th, 1822, authorising the several Circuit Judges, to preside over the Supreme Court, and the law passed 11th October, 1825, requiring the Circuit Judges of the several Districts to review and decide upon all cases, appealed from the District Courts, be, and the same are hereby repealed; and in lieu thereof, the Supreme Judges elected agreeably to the Constitution, shall compose the Supreme Court, and shall have full power to try, and decide, all cases, upon the Supreme Court docket, that remain untried, which may come under the jurisdiction of the laws of the Nation, and shall have complete cognizance of all cases appealed from the several Circuit Courts, as may be pointed out by law. The Supreme Court shall also have power to act and decide upon criminal cases without reference to appeals from the circuit courts.

*New Echota, 18th October,* 1828.

LEWIS ROSS, Pres't N. Com.
Concurred—GOING SNAKE, Speaker Coun.
Approved—JNO. ROSS.

——:o——

*Resolved by the National Committee and Council, in General Council Convened,* That the sum of Fifty-seven dollars and twenty-five cents be, and the same is hereby appropriated, out of any monies out of the National Treasury, not otherwise appropriated, for the purpose of purchasing a set of Blacksmith tools, for George Candy, viz: One bellows, one anvil, one vice, one screw-plate, three hammers, one rasp, and half a dozen files; and that the National Treasurer be authorized and required, to make the purchase, agreeably to the provisions of a law, passed 26th October, 1820, providing for the procuring of a set of tools, at the public expense, for any native apprentice, who shall have served his apprenticeship, and learned a mechanical trade.

*New Echota, 18th October,* 1828.

LEWIS ROSS, res't N. Com.
Concurred—GOING SNAKE, Speaker Coun.
Approved, Oct. 23d—JNO. ROSS.

——o:o——

*Resolved by the National Committee and Council, in General Council Convened,* That the Supreme Court of the Cher-

okee Nation shall commence its session on the second Monday of October in each year, at New Echota.

*Be it further Resolved,* That each session of the Supreme Court shall not continue longer than three weeks.

*Be it further Resolved.* That in case the Supreme Court docket shall be cleared before the expiration of the above mentioned time, it shall adjourn until the next annual session.

*Be it further Resolved,* That the compensation of the Supreme Judges shall be, for each of them, four dollars per day, during the sitting of the Supreme Court.

*New Echota, October 20th,* 1828.

LEWIS ROSS, Pres't Com.

Concurred—GOING SNAKE, Speaker Coun.

Approved, Oct. 22d—JNO ROSS.

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*Resolved by the National Committee and Council, in General Council Convened,* That the National Marshal shall enter into a bond with sufficient securities, in a penal sum of five thousand dollars, for the faithful performance of the duties that may be required of him.

*Be it further Resolved,* That it shall be his duty to attend the Supreme Court annually during its session, and to execute all decisions which may be made, or have it done by the Sheriffs of the several Districts, and all other business in which the Cherokee Nation may become a party, within the jurisdiction of the Nation.

*Be it further Resolved,* That he shall receive for his services, a salary of one hundred dollars per annum, and shall also be allowed eight per cent for collection.

*New Echota, 21st October,* 1826.

LEWIS ROSS, Pres't Com.

Concurred—GOING SNAKE, Speaker Coun.

Approved, Oct. 28th—JNO. ROSS.

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*Resolved by the National Committee and Council, in General Council Convened,* That all officers appointed under the authority of this Nation, who are required to give bond and

sufficient security, for the faithful performance of their duties, and whose office require a commission from the Principal Chief, shall be required to enter into bonds with the Treasurer of the Cherokee Nation, and shall be required to produce a certificate from the managers of the election, certifying that they have been legally elected; and it shall be the duty of the Treasurer to receive their bonds and issue a certificate to each officer so bound, which, when presented to the Principal Chief, shall be sufficient evidence for the commission to be granted.

*New Echota, 22d October*, 1828.

LEWIS ROSS, Pres't Com.

Concurred—GOING SNAKE, Speaker.

Approved—JNO. ROSS.

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*Resolved by the National Committee and Council in General Council Convened*, That so much of the law passed 24th October, 1827, supplementary to the law passed 5th November, 1825, requiring the Treasurer of the Cherokee Nation to call in all money loaned out of the Treasury on the first Monday in October, 1828, be, and the same is hereby repealed.

*Be it further Resolved*, That any person or persons, who may be owing the National Treasury by bond for loaned money, shall be allowed one month, from the passage of this resolution, to renew his bond or their bonds in the Treasury, by paying up the interest due thereon, and giving sufficient securities; and that they shall be required to pay up the full amount of their bonds with the interest, by three instalments, six months each, the first instalment and interest to be paid seven months after the passing of this resolution, and the second instalment to be paid six months thereafter, &c.

*Be it further Resolved*, That in case any person or persons who may fail to renew his bond or their bonds, by paying up the interest, within the space of one month, as provided above, the Treasurer shall proceed to have the full amount of his bond or their bonds, with the interest due thereon, collected, agreeably to law.

*New Echota, October 22d*, 1828.

LEWIS ROSS, Pres't Com.

Approved, 27th Oct.—JNO ROSS.

WHEREAS, Thomas Melton, a citizen of Jefferson county, Alabama, having apprehended John Cockerel, *alias* Brown, in said county, for horse-stealing, and trading a stolen horse to a Cherokee named Kah-nah-te-kee, and having brought said Cockerel before the General Council, under the expectation of obtaining a reward from the United States' Agent, who he understood had offered a reward for the apprehension of said Cockerel, and finding it not to be the case, and the said Cherokee having received another horse from the said Cockerel, therefore,

*Resolved by the National Committee and Council, in General Council Convened*, That the sum of twelve dollars be, and the same is hereby appropriated out of any monies in the National Treasury, not otherwise appropriated, as a compensation to Kah-nah-skee-skee, for his services as a guard over said Cockerel.

LEWIS ROSS, Pres't Committee.
Concurred—GOING SNAKE, Speaker.
Approved—JNO. ROSS.

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*Resolved by the National Committee and Council, in General Council Convened*, That the sum of three hundred dollars be, and the same is hereby appropriated, out of any monies in the Treasury not otherwise appropriated, as a loan to Reuben Thornton; and that the said Reuben Thornton be required to enter into a bond, with security to the satisfaction of the Committee, before a warrant shall be issued for the money, the said loan to be subject to the same regulations prescribed in the law passed during the present session, extending further indulgence to persons indebted to the Treasury.

*New Echota, October 28, 1828.*

LEWIS ROSS, Pres't Com.
Concurred—GOING SNAKE, Speaker.
Approved—JNO. ROSS.

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☞ *Resolved by the National Committee and Council, in General Council Convened*, That the resolution passed 24th Oc-

tober, 1827, prolonging the suspension of the poll tax, be, and the same is hereby prolonged for the term of one year, and the law imposing a tax on citizen merchants, is also hereby suspended for the above mentioned term.

*New Echota, 29th October*, 1828.

LEWIS ROSS, Pres't Com.
Concurred—GOING SNAKE, Speaker.
Approved Nov. 6th—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened*, That there shall be appointed by the Principal Chief of the Cherokee Nation, two committees, of two members each, one in each judicial circuit, whose duty it shall be to visit the different schools in the Nation, within the respective districts of their circuits at the public examinations of said schools, once a year, and to report to the General Council annually, on the number of scholars, progress of education, &c.

*Be it further Resolved*, That they shall be paid one dollar per day, while in actual service, out of any monies in the National Treasury, not otherwise appropriated.

*New Echota, October 30th*, 1828.

LEWIS ROSS, Pres't Com
Concurred—GOING SNAKE, Speaker.
Approved Nov. 6th—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened*, That it shall not be lawful to exact toll, or ferriage, at any of the turnpikes, toll-bridges, or ferries, within the limits of the Cherokee Nation from citizens of the Nation.

*New Echota, Nov. 4th*, 1828.

LEWIS ROSS, Pres't Com.
Concurred—GOING SNAKE, Speaker.
Approved—JNO. ROSS.

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*Resolved by the National Committee and Council, in Gen-*

*eral Council convened*, That the rates of ferriage at Edward Ganter's Ferry, on the Tennessee river, shall be as follows, and it shall not be lawful for him to exact higher rates than what is herein specified, viz:

| | |
|---|---|
| For wagon and team, | $1 00 |
| Cart, | 50 |
| Gig, | 50 |
| Carriage, (4 wheels,) | 75 |
| Man and horse, | 25 |
| Loose horse, | 12 |
| Foot man, | 12 |
| For all live stock, | 12 |

*New Echota, Nov. 4th*, 1828.

LEWIS ROSS, Pres't Com.

Concurred—GOING SNAKE, Speaker.

Approved—JNO. ROSS.

W. S. COODEY, clerk Com.

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*Resolved by the National Committee and Council, in General Council convened*, That the amendment of 28th October, 1826, to the law passed 12th November, 1822, making trade debts recoverable in money on certain conditions, be, and the same is hereby, repealed.

*Be it further resolved*, That money shall not hereafter be exacted for any trade debt, and whenever any person or persons may contract a debt payable in property, and the debtor shall fail to comply with the contract, it shall be lawful for the creditor to sue and obtain judgment for the amount specified in the contract, to be paid in property, and it shall be the duty of the officers in whose hands such judgments may be placed for collection, to forthwith seized upon any property of the of the debtor (save such property as is by law exempted) he may find, in case the particular property contracted for shall have been made way with, and the property so seized upon, shall be valued by two good disinterested citizens, to be chosen by the collecting officer; and the debtor shall not have the benefit of the stay law in such cases.

*Be it further resolved*, That when there is no time or place specified in the contract, for the payment of the debt, the creditor shall give the debtor ten days notice, before he

shall proceed to have the collection made agreeably to the provision of this resolution.

*Be it further resolved*, That this resolution shall be considered as an amendment to the law passed 12th Nov., 1825, in lieu of the amendment above repealed.

*New Echota, 4th Nov.*, 1828.

LEWIS ROSS, Pres't. Com.

Approved—JNO. ROSS.

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*Resolved by the National Committee and Council, in General Council convened*, That the power of regulating the rates of tolls, and fare on all turnpikes, toll bridges and ferries, belonging to individuals within the limits of the Cherokee Nation, which have been established agreeably to law, and which have not been fixed heretofore by the Committee and Council, be, and is hereby vested in the Circuit Court of the District in which such turnpike, toll bridge or ferry may be located; and it shall be the duty of the said court whenever application may be made for such regulation, to fix upon reasonable and moderate rates, and to cause the clerk of said court whenever application may be made for such regulation, to fix upon reasonable and moderate rates, and to cause the clerk of said court to keep a correct record of the same.

*New Echota*, 11th Nov., 1828.

LEWIS ROSS, Pres't Com.

Approved—JNO. ROSS.

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*Resolved by the National Committee and Council, in General Council convened*, That the law passed 8th Nov., 1822, forbidding gaming at cards, under certain penalties therein specified, be, and the same is hereby, so amended that no person or persons shall be allowed to game at dice, roulette, or thimbles, under the same penalties as are prescribed therein for gaming at cards.

*Be it further resolved*, That the above amendment shall go into full force and effect on the first day of January, 1829.

*New Echota, 4th Nov.*, 1828.

LEWIS ROSS, Pres't Com.

*Resolved by the National Committee and Council, in General Council Convened*, That the Treasurer of the Cherokee Nation be, and he is hereby required to attend and keep his office at New Echota, during each session of the General Council.

*New Echota, 6th Nov.*, 1828.

LEWIS ROSS, Pres't Committee.

Concurred—GOING SNAKE, Speaker.

Approved Nov. 6—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened*, That a District Court be, and is hereby established in each District in the Nation, which shall sit twice a year at their respective Court Houses, to be composed of a District Judge, six Jurors and a Clerk; and the Court shall sit three days at each term, if the docket cannot be cleared of the causes pending in less time.

*Be it further Resolved*, That the time of holding courts in the several Districts shall be as follows, to wit:

At Coosoowatee and Aquohee, first Monday in January and July.

At Etowah and Ahmohee, second Monday in January and July.

At Hickory Log and Chickamauga, third Monday in January and July.

At Tahquohee and Chattooga, on the fourth Monday in January and July.

*Be it further Resolved*, That this Court shall have full and complete jurisdiction over all civil cases, when the amount shall not exceed one hundred dollars, and shall also have complete criminal jurisdiction, (except in cases of murder,) and that it shall be the duty of the District Judge, during the recess of the Courts, to try all criminals, save murderers, who may be brought before them as the Constitution directs.

*Be it further Resolved*, That the manner of proceeding in said Court, shall be by summons or warrants under the hand of the Judge or Clerk presiding over the Court, when the matter is triable, specifying the amount demanded by the plaintiff, and on what account, which summmons or warrants

shall be served by one of the officers of the District, at least ten days before the sitting of said Court, and the case shall be tried at the first term of the Court, unless good cause upon oath shall be shown to the contrary; *provided*, no case shall be continued by the same party more than twice. The defendent, if he shall have any defence against the plaintiff's demand, shall appear at the Court in which he is sued, and make his defence, and both parties shall have the right of demanding subpœnas for witnesses whom they may deem necessary, and said witnesses, when duly subpœned, shall be bound to attend under the same penalties as are prescribed by law in relation to witnesses in other Courts of the Nation. The defendant shall also have the right of pleading, by way of set-off, any debt or account which he may have against the plaintiff, provided the same be mutual and due in the same right, and a substantial copy of the set-off shall be filed with the plea, and if the defendant shall prove a set-off of larger amount than the demand established by the plaintiff, the Court shall give judgment for the defendant for the balance over and above the plaintiff's demand so established: *provided nevertheless*, that the Court shall not have cognizance of any set-off exceeding the sum of one hundred dollars, as aforesaid.

*Be it further Resolved*, That five days after judgment is rendered in any case, the Clerk shall issue an execution against the property of the defendant, for the amount of the judgment and cost, directed to the officers of the District, and any of said officers in whose hands such execution shall be placed, shall proceed to levy and make collections according to law.

*Be it further Resolved*, That the Judge and Clerk of this Court be, and they are hereby authorized, and vested with authority, to administer *Oaths*, on every necessary occasion, and that the District Judges be, and are hereby also, authorized to perform the matrimonial ceremony, agreeably to law.

*Be it further Resolved*, That the District Judges shall have power to grant appeals to the Circuit Courts agreeable to law, and shall receive a salary of sixty dollars per annum for their services; and the Clerks of the District Courts shall each be allowed ten dollars per annum extra pay for their services during the recess of the Courts.

*New Echota, 8th Nov.*, 1828.

WHEREAS, much inconvenience is experienced by the courts in this Nation, in the trial of criminal cases, in consequence of prosecutors not being bound for the prosecution of such criminal cases, therefore,

*Resolved by the Committee and Council, in General Council Convened,* That after the passage of this act, any person or persons, not a public officer, who shall undertake to prosecute any criminal or criminals, shall be, and he, she, or they, are hereby required to give bond and security, in a sum double the amount of such prosecutions, for the faithful performance of prosecuting the criminals, who may be arrested and brought to trial.

*Be it further Resolved by the Authorities aforesaid,* That it shall be the duty of such prosecutors to give bond and security previous to their receiving warrants for the arresting of such criminals.

*New Echota, 8th Nov.,* 1828.

LEWIS ROSS, Pres't Com.
Concurred—GOING SNAKE, Speaker.
Approved—JNO. ROSS.

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*Resolved by the National Committee and Council, in General Council Convened,* That so much of the law passed 26th October, 1819, regulating the issuing of permits, as require them to be issued by the National Committee and Council, be, and the same is hereby, repealed, and in lieu thereof the power of issuing permits shall be vested in the Treasurer of the Cherokee Nation.

SEC. 2. *Be it further Resolved,* That the above mentioned law be, and is hereby so amended, as to require any citizen or citizens, obtaining a permit, to pay a tax of one dollar into the National Treasury for each, and every permit so obtained, for the term of one year, and in proportion for a shorter or greater length of time, and the employer shall be bound for the satisfaction of all thefts, of which the person or persons employed under the permit, may be convicted of before any of the Courts of different Districts, *Provided nevertheless,* that nothing shall be so construed in this section as to exempt such offenders from the penalty prescribed by law for such offences.

SEC. 3. *Be it further Resolved*, That twenty days shall be allowed to the employer after the expiration of the permit, to renew the same, or the removal of the person or persons employed out of the Nation; and in case the employer shall not renew his permit, he shall be bound, under the penalty of twenty dollars, to notify the sheriff or constable of his District, within the space of time above mentioned, of the expiration and non-removal of the same. And it shall be the duty of any lawful officer after the above mentioned time, in case the person or persons so employed shall not have removed, to forthwith remove him or them out of the Nation, and the expense of removal shall be collected from the person or persons so removed, and in case he or they shall not be able to defray the same, the employer shall be bound for the same; and in all such cases the officer or officers shall not exact unreasonable fees.

SEC. 4. *Be it further Resolved*, That the Treasurer shall be required to keep a correct record of all permits issued, specifying the different kind of mechanics, &c., to whom granted, and to present the General Council at each session with a correct copy of the same; and it shall be his duty to issue permits during the recess of the General Council.

*New Echota, 8th November*, 1828.

LEWIS ROSS, Pres't Com.
Concurred—GOING SNAKE, Speaker.
Approved—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened*, That there be appropriated so much money out of the Treasury of the Nation, not otherwise appropriated, as will be sufficient to purchase one iron chest, for the better security of the public funds of the Nation, and that the Treasurer be, and he is hereby, authorised to make the purchase.

*Be it further Resolved by the Authorities aforesaid*, That the Treasurer be, and he is hereby required to keep his office open for transacting business every Wednesday and Thursday in each week, *Provided nevertheless*, that it shall be lawful to transact business on any other day, when necessity requires.

*New Echota, Nov.* 8, 1828.

Approved—JNO. ROSS

*Resolved by the National Committee and Council, in General Council Convened*, That the Judges of the several Courts in the Nation shall have power to adopt such rules and regulations, as shall be necessary to preserve good oder in their Courts, and to punish those who shall be guilty of disorderly behaviour in contempt of the Court, by imposing such fines as in their opinion shall be deemed justifiable, *provided*, that the same shall not exceed ten dollars for each offence.

*Be it further Resolved*, That no evidence (which has not been given in before the Circuit Courts) shall be admissible before the Supreme Court, excepting in such cases as shall appear to the full satisfaction of the Supreme Judges, that it was impossible for the evidence to have been obtained and produced before the Circuit Court, in that case such evidence shall be admitted.

*New Echota, Nov. 8th*, 1828.

LEWIS ROSS, Pres't Com
Concurred—GOING SNAKE, Speaker.
Approved Nov. 18th—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened*. That it shall be lawful, whenever any person may have a claim, or debt, against another, and is apprehensive that he is about to abscond, or dispose of his property, so as to be beyond the reach of the law, to make oath to that effect, before any of the Judges or clerks of the respective Districts, and it shall be the duty of the Judge or clerk to issue forthwith an attachment, to be placed in the hands of any lawful officer, whose duty it shall be to attach as much property of the debtor's as will satisfy the demand, if to be found, and to take the same into his safe keeping, until there shall be a decision made on the case agreeably to law, unless the said debtor shall secure to the creditor the debt by giving bond with sufficient security.

*New Echota, Nov. 8*, 1828.

LEWIS ROSS, Pres't. Com.
Concurred—GOING SNAKE, Speaker Coun
Approved—JNO. ROSS.
WM. S. COODEY, clerk Com.
A. M'COY, clerk Coun.

*Resolved by the Committee and Council, in General Council Convened*, That so much of the law passed 20th October, 1820, providing for the appointment of "One Circuit Judge to have jurisdiction over two Districts, to associate with the District Judges," &c. be, and the same is hereby repealed.

SEC. 2. *Be it further Resolved*, That so much of the law passed providing "that the Cherokee Nation be organized and laid off in Districts," as fixes the time that each District shall hold their respective Councils, or Courts, be, and the same is hereby also repealed.

SEC. 3. *Be it further Resolved*, That the Cherokee Nation shall be laid off in two Circuit Districts. The first circuit shall be composed of Coosoowatee, Hightower, Hickory Log and Tahquohee Districts; the second circuit shall be composed of Aquohee Ahmohee, Chickamauga and Chattooga Districts, and the time of holding the Circuit Courts in each District shall be as follows, viz:

*First Circuit, Spring Term.*—1st Monday in May, at Coosoowatee; 2d Monday in May, at Hightower; 3d Monday in May, at Hickory Log, and the Monday thereafter at Tahquohee.

*Second Circuit, Spring Term.*—1st Monday in May, at Aquohee; 2d Monday in May, at Ahmohee; 3d Monday in May, at Chickamauga, and the Monday thereafter at Chattooga.

*First Circuit, Fall Term.*—1st Monday in September at Coosoowatee; 2d Monday at Hightower; 3d Monday at Hickory Log, and the Monday thereafter at Tahquohee.

*Second Circuit, Fall Term.*—1st Monday in September at Aquohee; 2d Monday in September at Ahmohee; 3d Monday in September at Chickamauga, and the Monday thereafter at Chattooga.

SEC. 4. *Be it further Resolved*, That there shall be two Circuit Judges for the Cherokee Nation, who shall be elected by a joint vote of both houses of the General Council, and who shall hold their Commissions for four years, and whose duties shall be to try and decide upon all cases, both civil and criminal, that may come before them agreeably to the laws of the Cherokee Nation; and it shall be their duty during the recess of the Courts to call a Court, to try all criminals that may be arrested for murder, which Court shall be held at the court house of the District in which the crime shall have been

committed; and it shall be the duty of the Sheriff of the District in which the crime may be committed to notify the Circuit Judge of their respective Circuits, immediately after the person or persons shall be arrested; and it shall be the duty of the Judge to have a Court called without delay, for the trial of said criminals.

Sec. 5. *Be it further Resolved*, That in case when a criminal is to be tried for murder, the Sheriff shall summons twenty-four good men to appear at the court house, on the day of trial, out of which number the criminal shall select a jury of twelve men to try the case, agreeably to law and evidence.

Sec. 6. *Be it further Resolved*, That it shall be the duty of the clerks of the several Circuit Courts to take down in writing, the evidences in all cases brought before, and decided on by, the Circuit Courts, and when an appeal is taken to the Supreme Court, those evidences together with the bills of declaration, shall be sealed up and transmitted through the Sheriffs to the clerk of the Supreme Court, and each document shall be marked and transcribed on the out side, stating the case to which they relate, and it shall be the duty of the clerk of the Supreme Court to preserve those documents with great care, and to lay them before the Judges of the Supreme Court at their next session, and they shall not be opened until the Court shall be ready to take up the case to which they relate.

Sec. 7. *Be it further Resolved*, That it shall be the duty of the Sheriffs to receive from the clerk of the Circuit Court of their respective Districts; all documents of appealed cases, and to deliver the same to the clerk of the Supreme Court.

Sec. 8. *Be it further Resolved*, That the Circuit Court shall sit five days at each term, provided there shall be any business to occupy their attention that length of time; and that the Circuit Judges shall have the power to grant a new trial in cases where a decision in their Courts shall be made contrary to law and evidence.

Sec. 9. *Be it further Resolved*, That the Circuit Judges shall, and they are hereby, required to exchange Circuits once in two years.

*Be it further Resolved*, That the salary of each Circuit Judge shall be one hundred and forty dollars per. annum, and that the clerk of the Circuit Courts shall each be allowed ten dollars extra pay for services during the recess of the Courts,

SEC. 10. *Be it further Resolved*, That the manner of proceeding in the Circuit Courts shall be by summons or warrants, under the hand of the Judge or clerk, in the same manner as is provided for in the Resolution regulating the District Courts.

*New Echota, Nov. 18th*, 1828.

LEWIS ROSS, Pres't Com.
Concurred—GOING SNAKE, Speaker.
Approved—JNO. ROSS.

W. S. COODEY, clerk Com.

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*Resolved by the National Committee and Council, in General Council convened*, That if any person or persons shall commit the crime of wilful murder, such person or persons on being thereof convicted, shall suffer death.

SEC. 2. *Be it further Resolved*, That a respite of five days shall be allowed to the criminal after sentence of death shall be passed, before he shall be executed, during which respite the Sheriff shall be bound to keep a safe guard over the criminal; and should any person or persons make an attempt to rescue him, he or they shall be fined each two hundred dollars, and receive one hundred lashes on the bare back; and should the officer or any of the guard kill any person making an attempt to rescue the criminal he shall not be held accountable for the same.

SEC. 3. *Be it further Resolved*, That if any person or persons shall kill another in self defence, or by accident, without any previous intent to do the same, he, she or they shall be exempted from any punishment whatever.

SEC. 4. *Be it further Resolved*, That any person who assaults another, with intent to commit murder, rape, or robbery, shall on conviction thereof, be fined in such a sum as shall be assessed against him or her, by the verdict of the jury, not exceeding fifty dollars, and be subject to such corporal punishment as the jury may inflict, not exceeding fifty stripes on the bare back.

*New Echota, 10th Nov.*, 1828.

LEWIS ROSS, Pres't Com.
Concurred—GOING SNAKE, Speaker.
Approved—JNO. ROSS.

*Resolved by the National Committee and Council, in General Council Convened,* That the sum of seventy-two dollars be, and the same is hereby appropriated out of any monies in the National Treasury, not otherwise appropriated, as a compensation to Messrs. George Lowrey and David Brown, for translating the laws of the Nation from English into the Cherokee language, agreeably to the law passed 4th Nov., 1826.

*New Echota, Nov. 10th,* 1828.

LEWIS ROSS, Pres't Com.
Concurred—GOING SNAKE, Speaker.
Approved—JNO. ROSS.

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*Resolved by the National Committee and Council, in General Council Convened,* That from and after the passage of this resolution, it shall be unlawful for any citizen or citizens of the Cherokee Nation to cut out or open any road or roads from any public road in this Nation, in any direction whatever, or repair any road or roads that have been put down by the authority of the Nation, or to open any road, or establish, on their own account, or in conjunction with any white person, any ferry or ferries, on any water courses bounding on this Nation, or within the limits thereof, without first obtaining a permit from the General Council.

*Be it further Resolved,* That all roads that are now in operation within this Nation, and which have been opened since the passage of, and contrary to, the law of 1819 on the subject of roads, shall be forthwith stopped by the Sheriff of the District in which such road may be located, or by the Marshal of the Nation, by giving notice to the parties using said roads, or at whose instance the same may have been cut out, that the same are put down and required to be stopped by them by virtue and in obedience to the provisions of this resolution; and every person continuing to keep open or use such roads thereafter, shall be considered as if they had cut and opened the same since the passage of this resolution, and shall be subject to such penalty as shall hereafter be prescribed.

*Be it further Resolved,* That it shall be the duty of the several Sheriffs of the Districts of this Nation and the Marshal of the Nation, upon information being lodged with them,

or in case of any violation of the provisions of this resolution coming to their knowledge, to forthwith arrest such violators, and to carry them before one of the District Judges who shall bind them over to appear at the next District Court for the District in which the offence shall be committed, in a bond with such security as the said Judge shall deem sufficient to compel the said violators to appear at the Court aforesaid and stand their trial; and in the event of any person or persons so arrested refuse to give good and sufficient security for his or their appearance at Court, as aforesaid, then it shall be the duty of the Judge before whom such person or persons may be brought to inflict upon them the penalty hereafter specified.

*Be it further Resolved*, That any person or persons who shall violate any of the provisions of this resolution shall, for every such offence, for which he or they are convicted, pay a fine of 100 dollars, one half to go to the arresting officer and the other half to be paid into the National Treasury, which said fines shall be collected by any qualified officer of the Nation, by seizing and selling any property belonging to said person or persons, as in cases of other fines imposed by the laws of this Nation.

*Be it further Resolved*, That this resolution shall be considered as an amendment to the resolution of 30th Oct., 1819, on the subject of roads, and that the following words in said resolution, "or any such cases as may be brought before them for trial," be, and the same are hereby repealed.

*New Echota, Nov. 11th*, 1828.

LEWIS ROSS, Pres't Com.
Concurred—GOING SNAKE, Speaker Coun.
Approved—JNO. ROSS.

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*Resolved by the National Committee and Council, in General Council Convened*, That in case a vacancy should happen in the General Council, either by death or resignation of any of the members, provious to the next General Election, the District Judge of the District in which such member may reside or have resided, shall notify the Principal Chief of the same.

*Be it further Resolved*, That, in all such cases of vacancy, as may happen as above mentioned, the Principal Chief shall

have power to issue a writ of election to fill such vacancy, until the next general election, and shall appoint such persons as he may deem suitable to superintend the election.

*New Echota, 12th Nov.*, 1828.

LEWIS ROSS, Pres't Com.
Concurred—GOING SNAKE, Speaker.
Approved—JNO. ROSS.

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*Resolved by the National Committee and Council, in General Council Convened* That all vacancies, which may occur in the several Districts, of Sheriffs or Constables, shall be filled by appointments made by the Principal Chief, until the next General Election for members to the General Council, any law to the contrary notwithstanding.

*Be it further Resolved*, That if any vacancy should occur in the several Districts, the District Judge shall notify the Principal Chief of the same, and recommend some suitable person to fill the vacancy, and the person appointed shall be required to enter into bond with the Treasurer agreeably to law, before he shall be commissioned.

*New Echota, Nov. 22th*, 1828.

LEWIS ROSS, Pres't N. Com.
Concurred—GOING SNAKE, Speaker Coun.
Approved—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened*, That if any person or persons shall interrupt, by misbehaviour, any congregation of Cherokee or white citizens, assembled at any place, for the purpose of Divine worship, such person or persons, so offending, shall, upon conviction thereof, before any of the Courts, be fined in a sum not exceeding ten dollars, to be adjudged by the Court of the District in which such offence may be committed; and if any negro slave shall be convicted of the above offence; he shall be punished with thirty-nine stripes on the bare back.

*New Echota, Nov. 12th*, 1828.

LEWIS ROSS, Pres't. N. Com.
Approved—JNO. ROSS.

*Resolved by the National Committee and Council, in General Council convened,* That the sum of fifteen dollars be, and the same is hereby appropriated out of any moneys in the National Treasury, not otherwise appropriated, for the benefit of Joshua Buffington and Alfred H. Hudson, for illegal fees collected from them, by direction of the Supreme Court in 1827.

*New Echota, November 13th,* 1828.

LEWIS ROSS, Pres't Com.

Approved—JNO. ROSS.

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*Resolved by the National Committee and Council, in General Council Convened,* That the two National Turnpikes, on the federal road, shall be let out to citizens of the Nation by the Treasurer of the Cherokee Nation, on the first Monday in January next, to the highest bidder, for one year; and the person or persons bidding off the same shall be required to give bond with sufficient securities, for the payment of the amount of his or their bid into the National Treasury, which payment shall be made quarterly. Any person or persons contracting for either or both of the above named Turnpikes shall be permitted to remove the same four or five miles, from their present location on the road either way, so as to suit their convenience, if they choose to do so.

*Be it further Resolved,* That the above mentioned Turnpikes shall not be let out, in case the highest bid shall not be more than the amount paid by the Nation annually for the repairing and keeping in good order the said federal road.

*Be it further Resolved,* That the rates of toll at the said gates shall be as follows, viz:

| | |
|---|---|
| Wagon and team, | $1 00 |
| Ditto. two horses, | 75 |
| Do. one horse, | 50 |
| Two-wheel carriage, | 50 |
| Hogs, sheep and goats, | 1 |
| Black-cattle, | 2 |
| Man and horse, | 12 1-2 |
| Pack-horse, | 12 1-2 |
| Loose horse, | 6 1-4 |

*New Echota, 13th Nov*, 1828.

Approved, Oct. 23d—JNO. ROSS.

*Resolved by the Committee and Council, in General Council Convened,* That the sum of tweaty-five dollars be, and is hereby appropriated out of any moneys in the Treasury, not otherwise appropriated, for Jesse Bushyhead, for informing against a certain pedlar vending merchandize without license, from whom collection was made by the officer agreeably to law for such offences, and the above amount of twenty-five dollars being the amount due the informant as provided for by law.

*New Echota,* 13*th Nov.*, 1828.

LEWIS ROSS, Pres't N. Com.
Concurred—GOING SNAKE, Speaker Coun.
Approved—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened,* That the law passed 4th of July, 1827, authorizing the Treasurer of the Nation, to lease out, to the highest bidder, the ferry and improvements on the Chattahoochie river, on the federal road, be, and the same is hereby repealed.

*New Echota, Nov.* 13*th*, 1828.

LEWIS ROSS, res't N. Com.
Concurred—GOING SNAKE, Speaker Coun.
Approved—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened,* That the sum of fourteen dollars and eighty-eight cents be, and is hereby appropriated out of any moneys in the Treasury, not otherwise appropriated, for David Brown, being the amount paid by him with his private money, for a pair of Globes bought in New Orleans, with money contributed to the Cherokees, by the citizens of that City, in 1826.

*New Echota,* 13*th Nov.*, 1828.

LEWIS ROSS, Pres't Com.
Concurred—GOING SNAKE, Speaker.
Approved, Nov. 14th—JNO. ROSS.
WM. S. COODEY, Cl'k Com.
A. M'COY, Cl'k Council.

*Resolved by the Committee and Council, in General Council Convened*, That the Principal Chief of the Cherokee Nation shall be allowed a salary of three hundred dollars per annum, during his continuance in office, out of the public funds of the Nation. And the Assistant Principal Chief shall be allowed a salary of one hundred and fifty dollars.

The Executive Counsellors shall be paid at the rates of two dollars per day, while in actual service, when called upon by the Principal Chief.

The Treasurer of the Cherokee Nation, shall be allowed for his services, three hundred and fifty dollars per annum.

The Sheriffs of the several Districts shall be allowed for their services fifty dollars per annum, besides their collection fees—any law to the contrary notwithstanding.

*New Echota*, 13*th Nov.*, 1828.

LEWIS ROSS, Pres't Com.
Concurred—GOING SNAKE, Speaker Coun
Approved—JNO. ROSS.

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*Resolved by the National Committee and Council, in General Council Convened*, That the law passed 13th November, 1824, making it unlawful for citizens of the Nation to receive into their employment citizens of the United States without obtaining a permit agreeably to law, under the penalty of being fined in a sum not exceeding ten dollars, be and the same is hereby, so amended, as to raise the above named sum of ten dollars to fifty dollars; and any citizen of the Nation upon being convicted of violation of the above mentioned law, before any of the Courts of this Nation, shall be fined in a sum not exceeding fifty dollars, and not less than one dollar for each, and every such offence, to be assessed by the Court of the respective District.

*Be it further Resolved*, That this resolution shall go in full force and effect on the first day of January, 1829.

*New Echota*, 14*th Nov.*, 1828.

LEWIS ROSS, Pres't Com.
Concurred—GOING SNAKE, Speaker.
Approved—JNO. ROSS.

WM. S. COODEY, Cl'k Com.
A. M'COY, Cl'k Coun.

*Resolved by the National Committee and Council, in General Council Convened,* That all costs arising from prosecutions, for violations of the laws, shall not be paid by the Nation, excepting in such cases as may hereafter be specified, but shall be collected from the person or persons so prosecuted and convicted; and in case the person or persons so convicted shall not be able to pay the same, then, and in that case, the Nation shall pay the same.

*Be it further Resolved,* That whenever a criminal may be arrested for violation of the laws of Nation, it shall be lawful for the officer to board him or her with the guard at some suitable place, until the time of trial, which expense shall be paid by the Nation, in case the criminal shall be acquitted, but if convicted, he or she shall be required to pay the same if the amount can be collected; and the rates of charges for boarding guards and criminals shall not exceed the following rates, viz: for man and horse per day, seventy-five cents, for man without a horse, fifty cents; and the amount, time, &c. of baording shall be certified by some lawful officer of the District, which shall be presented to the Principal Chief before a warrant shall be issued for the money.

LEWIS ROSS, Pres,t Com.
Concurred—GOING SNAKE, Speaker.
Approved—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened,* That when a person shall die without a Will, the nearest relatives of the deceased shall have the right to recommend to the Circuit Court of the District in which the deceased lived, such person or persons as they shall choose, administer on the estate, and it shall be the duty of the Circuit Judge to issue letters of administration to the persons so recommended, provided that he, she, or they, shall make and exhibit on oath a true and just schedule of all the property, debts, dues and demands of right belonging to the said estate, together with all demands that may be against the said estate as far as he, she, or they may know, which schedule shall be filed in the Clerks office; and provided also that said person or persons before obtaining letters of administration, shall execute a bond with good and sufficient securities for the

faithful management and forthcoming of the estate, together with the increase, to the legal heir or heirs of the deceased, so soon as they shall become of age; and that males twenty one years of age shall be considered of lawful age, and females at eighteen.

*Be it further resolved*, That the administrator or administrators shall be required at the end of every year during their administratorship, upon oath, to make returns to the said court of all the expenses and profits consequent upon the management of such property or estate, which returns shall be filed in said clerks office.

*Be it further resolved*, That when a person dies and leaves a will, the executor or executors shall be required to render in a true account, upon oath, before the Circuit court, of all the property belonging to the estate, and shall also give bond and sufficient security for the faithful performance of their duties agreeably to the will.

*Be it further resolved*, That all persons now acting as executors or administrators in this Nation be required to render in a schedule of all the property &c. before the next Circuit Court of their several districts, according to the foregoing provisions, and be required to enter into bond and securities as aforesaid.

*Be it further resolved*, The in case such executors or administrators fail to comply with the requirements of the provisions of this resolution, he, she or they shall forfeit his, her or their executorship or administratorship.

*Be it further resolved*, That any person or persons, who is not a citizen of the Nation, shall not be appointed under letters of administration. And in case of an executor or executrix, or administrator or administratrix shall remove out of the limits, of this Nation, his or her appointment shall cease and it shall be lawful to appoint others to act in their places agreeably to the provisions of this resolution.

*Be it further resolved*, That it shall be the duty of the executors or administrators so soon as they obtain letters agreeably to this resolution, to publish in the Cherokee Phœnix, a notification to all persons indebted to the estate to come forward and make payment, and all persons having claims against the estate to present them for payment, and after such notification, twelve months shall be allowed for any person having claims or demends against the estate to present

them for adjustment, but if the above mentioned time shall expire before such claims shall be presented, the said claims shall be void and not recoverable by law.

*New Echota, Nov.* 15, 1828.

LEWIS ROSS, Pres't. Com.
Concurred—GOING SNAKE, Speaker Coun.
Approved—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened,* That any person or persons who shall leave their houses, farms or other improvements, and bind themselves by enrolment, or otherwise, with intent of removing out of the jurisdictional limits of this Nation, as an emigrant or emigrants to another country, such person or persons shall forfeit all right, title, claim and interest that he, she or they may have or be entitled to as citizens of this Nation, to the houses farms or other improvements so left.

*Be it further resolved,* that it shall be lawful for any citizen or citizens of this Nation to take, and occupy for their own use and benefit, any of the houses farms or other improvements which may be abandoned by emigrants, as aforesaid and such citizen or citizens first going into possession of such houses farms &c. shall have a preference right, any contract, bargain or sale made by such emigrant or emigrants, to any other person or persons whatsoever, to the contrary, notwithstanding.

*New Echota, 17th Nov.,* 1828.

LEWIS ROSS, Pres't Com
Approved—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened,* That the resolution passed 12th November, 1825, making it unlawful to attach and sell certain kind of property, therein specified, be, and the same is hereby, so amended, as to include sixty bushels or corn, which quantity shall hereafter be exempted from attachment or sale for debt.

*New Echota, Nov. 18th,* 1828.

Approved—JNO. ROSS.

*Resolved by the National Committee and Council, in General Council Convened* That the Editor of the Cherokee Phœnix be, and he is hereby, required to keep a correct and exact account of all contingent expenses attending the printing establishment, and that it shall be his duty, at the commencement of each session of the General Council, to make a detailed report of the amount of moneys received an account of the establishment, also of the disbursements made, the number of subscribers for the Phœnix, and the amount due an account of subscriptions.

*Be it further resolved*, That the Editor shall selected another Cherokee youth of good qualities and capacity, who will agree, with the consent his parents or guardians,, to serve as an apprentice to the printing business, and for a length of time so as to enable said apprentice, to become master of the art of Printing, and that the said apprentice shall be clothed and boarded in the same manner as is provided by law for the apprentice now in service, at the public expense.

*Be it further resolved*, That the Editor be, and he is hereby required, to withhold, from the columns of the Phœnix, scurrilous communications which may have a tendency to excite and irritate personal controversies, also, he shall not support or cherish, by publishing communications, or by inserting under the Editorial head, any thing on religious matters, that will savour sectarianism: It shall also be his duty to collect as much original Cherokee matter for the columns of the paper, as his situation and abilities shall enable him to do, and to have the manuscript laws printed in a pamphlet form and attach to the printed laws, as early as practical, and to have an index to the same.

*New Echota, 19th Nov.*, 1828.

LEWIS ROSS, Pres't Com.
Concurred—GOING SNAKE, Speaker.
Approved—JNO. ROSS.

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*Resolved by the National Committee and Council, in General Council convened*, That there shall be a court House built at Echota, for the Supreme Court of the Cherokee Nation. It shall be a framed building, of the following dimen-

sions: twenty-four feet in length by twenty feet in width, two stories high, lower story ten feet, upper story nine feet high, shingled roof of yellow popular shingles, one stair case, one door on each side of the house, plain batten shutters, two fifteen light windows on each side of the house, above and below, also two windows in the end of the lower story where the Judges bench shall be erected; the weather boarding shall be rough, but jointed, the floors shall be rough also, but the lower floor shall be square jointed, and the upper, tongued and grooved; the platform for the Judges' Bench shall be three feet high, eight feet in length, three feet in width, and banistered, steps at each end, with a seat the whole length of the platform; there shall also be half a dozen other seats of dressed pine plank, ten or twelve feet in length; the foundation of the house shall be of good rock or brick, and raised two feet above the ground. The persons contracting for the building of the above mentioned house, shall be required to furnish nails, glass, putty, hinges, locks, and other small necessary articles.

*Be it further resolved*, That the building shall be let out by the Treasurer of the Cherokee Nation, who shall give a timely notice in the Phœnix to builders, and any person wishing to contract for the same, shall transmit sealed proposals to the Treasurer, stating the amount &c. for which they shall complete the work; and the Treasurer shall continue to receive proposals until the first of February, 1829, on which day, the seals shall be broken, and the lowest bidder shall be bound in a bond with security for the faithful execution of the work, in a workmanlike manner to be completed by the second Monday in October, 1829.

The Building shall be erected on one of the public lots, and the spot shall be pointed out by the Treasurer, who shall be authorized to receive the building when completed, if executed agreeably to contract.

*New Echota*, 17*th Nov*, 1828.

LEWIS ROSS, Pres't Com.
Concurred—GOING SNAKE, Speaker.
Approved—JNO. ROSS.

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*Resolved by the National Committee and Council, in Gen.*

*eral Council Convened*, That an appropriation be, and is hereby, made out of any moneys in the Treasury, not otherwise appropriated, to meet the contingent expenses, allowable by law, and which may become due before the next session of the General Council.

Sec. 7. *Be it further resolved*, That the Principal Chief shall issue a warrant to the Treasury, whenever ony such expenses may become due, for the payment of the same.

*New Echota, Nov. 19th*, 1828.

LEWIS ROSS, Pres't Com.
Concurred—GOING SNAKE, Speaker Coun.
Approved—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened*, That the resolution passed 12th November, 1825, requiring persons subpœnaed as witnesses, to attend under the penalty of twenty dollars be, and the same is hereby so amended that any person or persons who may be subpœnaed agreeably to law, to appear as witnesses at any of the Courts, shall attend under the penalty of one hundred dollars, unless a reasonable or lawful excuse shall be made to the Court, at which he, she or they, were required to appear.

*Be it further resolved*, That whenever there are more than three witnesses summonsed to prove one point, the party summonsing, or having them summonsed, shall be bound to pay the costs of the same, as is provided by law.

*New Echota, Nov.* 19, 1828.

LEWIS ROSS, Pres't N. Com.
Approved—JNO. ROSS.

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*Resolved by the National Committee and Council, in General Council Convened*, That George Ward, John Duncan, Moses Downing, John Wright, and James Dorherty be, and are hereby appointed Commissioners to fix upon the most convenient and eligible situation for holding the courts in Hickory Log District.

*New Echota, 11th Nov.*, 1828.

LEWIS ROSS, Pres't Committee.

*Resolved by the Committee and Council, in General Council Convened*, That Oo-clah-no-tah, W. Bolen, Benchlegs, Sunday, and George W. Owens be, and they are hereby appointed Commissioners to fix upon some eligible situation for holding the courts in Tahquohee District, to be in the most central and convenient part of the District that the aboved mentioned Commissioners may designate.

*New Echota, Nov. 14th*, 1828.

LEWIS ROSS, Pres't Com.
Concurred—GOING SNAKE, Speaker.
Approved—JNO. ROSS.

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*Resolved by the National Committee and Council, in Geural Council Convened*, That any person or persons whatsoever, who shall be found guilty of forming unlawful meetings, with intent to create faction against the peace and tranquility of the people, or to encourage rebellion against the laws and Government of the Cherokee Nation, upon conviction, shall receive one hundred stripes on the bare back.

*Be it further resolved*, That it shall be the duty of the Marshals, Sheriffs, and Constables of the several Districts, to arrest and bring before Circuit and District Judges, within their respective Districts, for trial, all such persons, and in the recess of the courts, it shall be the duty of the Circuit Judges to attend their respective circuits and to organize courts on all such occasions.

*Be it further Resolved*, That the Circuit Judges shall be allowed two dollars per day in addition to their salaries for each call court in which they may serve, according to law, and the District Judges shall be allowed the sum of one dollar per day, in addition to their salaries for the like services.

*New Echota*, July 3d, 1828.

LEWIS ROSS, Pres't Com
Concurred—GOING SNAKE, Speaker.
Approved Nov. 18th—JNO. ROSS.

# CONSTITUTION

OF

# THE CHEROK NATION:

*FORMED BY A CONVENTION OF DELEGATES*

*FROM THE SEVERAL DISTRICTS,*

AT NEW ECHOTA,

**July, 1827.**

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We, the Representatives of the people of the Cherokee Nation, in Convention assembled, in order to establish justice, ensure tranquility, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty; acknowledging with humility and graitude the goodness of the sovereign Ruler of the Universe, in offering us an opportunity so favorable to the design, and imploring His aid and direction in its accomplishment, do ordain and establish this Constitution for the Government of the Cherokee Nation.

Article 1.—*Sec.* 1.—The boundaries of this Nation, embracing the lands solemnly guarantied and reserved forever to the Cherokee Nation by the Treaties concluded with the United States, are as follows, and shall forever hereafter remain unalterably the same, to wit:

Beginning on the north bank of Tennessee river at the upper part of the Chickasaw old field, thence along the main channel of said river, including all the islands therein, to the mouth of the Hiwassee river, thence up the main channel of said river, including islands, to the first hill which closes in on

said river about two miles above Hiwassee Old Town, thence along the ridge which divides the waters of the Hiwassee and Little Tillico, to the Tennessee river at Tallassee, thence along the main channel, including islands, to the junction of the Cowee and Nantayulee, thence along the ridge in the fork of said river, to the top of the blue ridge, thence along the blue ridge to the Unicoy Turnpike road, thence by a straight line to the main source of the Chestatee, thence along its main channel, including islands, to the Chattahoochy, and thence down the same to the Creek boundary at Buzzard Roost, thence along the boundary line which separates this and the Creek Nation, to a point on the Coosa river opposite the mouth of Wills creek, thence down along the south bank of the same to a point opposite to Fort Strother, thence up the river to the mouth of Wills creek, thence up along the east bank of said creek to the west branch thereof, and up the same to its source, and thence along the ridge which separates the Tombeccee and Tennessee waters to a point on the top of said ridge, thence due north to Camp Coffee on Tennessee river, which is opposite the Chickasaw Island, thence to the place of beginning.

*Sec. 2.*—The sovereignty and Jurisdiction of this Government shall extend over the country within the boundaries above described, and the lands therein are, and shall remain, the common property of the Nation; but the improvements made therein, and in the possession of the citizens of the Nation, are the exclusive and indefeasible property of the citizens respectively who made, or may rightfully be in possession of them; *Provided*, that the citizens of the Nation, possessing exclusive and indefeasible right to their respective improvements, as expressed in this article, shall possess no right nor power to dispose of their improvements in any manner whatever to the United States, individual states, nor individual citizens thereof; and that whenever any such citizen or citizens shall remove with their effects out of the limits of this Nation, and become citizens of any other Government, all their rights and privileges as citizens of this Nation shall cease; *Provided also*, That the Legislature shall have power to re-admit by law to all the rights of citizenship, any such person or persons, who may at any time desire to return to the Nation on their memorializing the General Council for such readmission. *Moreover*, the Legislature shall have pow-

er to adopt such laws and regulations, as its wisdom may deem expedient and proper, to prevent the citizens from monopolizing improvements with the view of speculation.

ARTICLE II.—*Sec.* 1—The power of this Goverment shall be divided into three distinct departments; the Legislative, the Executive, and Judicial.

*Sec.* 2.—No person or persons belonging to one of these Departments shall exercise any of the powers properly belonging to either of the others, except in the cases hereinafter expressly directed or permitted.

ARTICLE III.—*Sec.* 1.—The Legislative power shall be vested in two distinct branches; a Committee and a Council, each to have a negative on the other, and both to be styled the General Council of the Cherokee Nation; and the style of their acts and laws shall be.

"RESOLVED by the Committee and Council, in General Council convened."

*Sec.* 2.—The Cherokee Nation, as laid off into eight Districts, shall so remain.

*Sec.* 3.—The Committee shall consist of two members from each District, and the Council shall consist of three members from each District, to be chosen by the qualified electors of their respective Districts, for two years; and the elections to be held in every District on the first Monday in August for the year 1828, and every succeeding two years thereafter; and the General Council shall be held once a year, to be convened on the second Monday of October in each year, at New Echota.

*Sec.* 4.—No person shall be eligible to a seat in the General Council, but a free Cherokee male citizen, who shall have attained to the age of twenty-five years. The descendants of Cherokee men by all free women, except the African race, whose parents may have been living together as man and wife, according to the customs and laws of this Nation, shall be entitled to all the rights and privileges of this Nation, as well as the posterity of Cherokee women by all free men. No person who is of negro or mulatto parentage, either by the father or mother side, shall be eligible to hold any office of profit, honor or trust under this Government.

*Sec.* 5.—The electors and members of the General Council shall, in all cases except those of treason, felony, or breach of the peace, be privileged from arrest during their attendance

at election, and at the General Council, and in going to, and returning from the same.

*Sec.* 6.—In all elections by the people, the electors shall vote *viva voce.* Electors for members to the General Council for 1828, shall be held at the places of holding the several courts, and at the other two precincts in each District which are designated by the law under which the members of this Convention were elected; and the District Judges shall superintend the elections within the precincts of their respective Court Houses, and the Marshals and Sheriffs shall superintend within the precincts which may be assigned them by the Circuit Judges of their respective Districts, together with one other person, who shall be appointed by the Circuit Judges for each precinct within their respective Districts; and the Circuit Judges shall also appoint a clerk to each precinct.—The the superintendents and clerks shall, on the Wednesday morning succeeding the election, assemble at their respective Court Houses and proceed to examine and ascertain the true state of the polls, and shall issue to each member, duly elected, a certificate, and also make an official return of the state of the polls of election to the Principal Chief, and it shall be the duty of the Sheriffs to deliver the same to the Executive; *Provided nevertheless,* The General Council shall have power after the election of 1828, to regulate by law the precincts and superintendents and clerks of elections in the several Districts.

*Sec.* 7.—All free male citizens, (excepting negroes and descendants of white and Indian men by negro women who may have been set free,) who shall have at attained to the age of eighteen years, shall be equally entitled to vote at all public elections.

*Sec.* 8.—Each house of the General Council shall judge of the qualifications and returns of its own members.

*Sec.* 9.—Each house of the General Council may determine the rules of its proceedings, punish a member for disorderly behaviour, and with the concurrence of two thirds, expel a member; but not a second time for the same cause.

*Sec.*—Each house of the General Council, when assembled shall choose its own officers; a majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent

members in such manner and under such penalty as each house may prescribe.

*Sec.* 11.—The members of the Committee shall each receive from the public Treasury a compensation for their services which shall be two dollars and fifty cents per day during their attendance at the General Council; and the members of the Council shall each receive two dollars per day for their services during their attendance at the General Council:—*Provided*, That the same may be increased or deminished by law, but no alteration shall take effect during the period of service of the members of the General Council, by whom such alteration shall have been made.

*Sec.* 12.—The General Council shall regulate by law, by whom and in what manner, writs of elections shall be issued to fill the vacancies which may happen in either branch thereof.

*Sec.* 13.—Each member of the General Council before he takes his seat, shall take the following oath or affirmation, to wit:

"I, A. B., do solemnly swear, (or affirm, as the case may be,) that I have not obtained my election by bribery, treats or any undue and unlawful means used by myself, or others by my desire or approbation, for that purpose; that I consider myself constitutionally qualified as a member of
and that, on all questions and measures which may come before me, I will so give my vote, and so conduct myself, as may in my judgment, appear most conducive to the interest and prospertity of this Nation; and that I will bear true faith and allegiance to the same; and to the utmost of my ability and power observe, conform to, support and defend the Constitution thereof."

*Sec* 14.—No person who may be convicted of felony before any court of this Nation, shall be eligible to any office or appointment of honor, profit or trust within this Nation.

*Sec.* 15.—The General Council shall have power to make all laws and regulations, which they shall deem necessary and proper for the good of the Nation, which shall not be contrary to this Constitution.

*Sec.* 16.—It shall be the duty of the General Council to pass such laws as may be necessary and proper, to decide differences by arbitrators to be appointed by the parties, who may choose that summary mode of adjustment.

*Sec.* 17.—No power of suspending the laws of this Nation

shall be exercised, unless by the Legislature or its authority.

*Sec.* 18.—No retrospective law, nor any law impairing the obligations of contracts shall be passed.

*Sec.* 19.—The legislature shall have power to make laws for laying and collecting taxes, for the purpose of raising a revenue.

*Sec.* 20.—All bills making appropriations shall originate in the Committee, but the Council may propose amendments or reject the same.

*Sec.* 21.—All other bills may originate in either house, subject to the concurrence of rejection of the other.

*Sec.* 22—All acknowledged Treaties shall be the Supreme law of the land.

*Sec.* 23—The General Council shall have the sole power of deciding on the construction of all Treaty stipulations.

*Sec.* 24—The Council shall have the sole power of impeaching.

*Sec.* 25.—All impeachments shall be tired by the Committee;—when sitting for that purpose, the members shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two thirds of the members present.

*Sec.* 26—The Principal Chief, assistant principal Chief, and all civil officers, under this Nation, shall be liable to impeachment for any misdemeanor in office; but Judgment, in such cases, shall not extend further than removal from office, and disqualification to hold any office of honor, trust or profit, under this Nation. The party whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment and punishment, according to law.

Article IV —*Sec.* 1. The Supreme Executive Power of this Nation shall be vested in a Principal Chief, who shall be chosen by the General Council, and shall hold his office four years; to be elected as follows,—The General Council by a joint vote, shall, at their second annual session, after the rising of this Convention, and at every fourth annual session thereafter, on the second day after the Houses shall be organized, and competent to proceed to business, elect a Principal Chief.

*Sec.* 2.—No person, except a natural born cilizen, shall be eligible to the office of Principal Chief; neither shall any person be eligible to that office, who shall not have attained to the age of tnirty-five years.

*Sec.* 3.—There shall also be chosen at the same time, by the General Council, in the same manner for four years, an assistant Principal Chief.

*Sec.* 4.—In case of the removal of the Principal Chief from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the assistant principal Chief, until the inability be removed, or the vacancy filled by the General Council.

*Sec.* 5.—The General Council may, by law, provide for the case of removal, death, resignation or inability of both the Principal and assistant Principal Chiefs, declaring what officer shall then act as Piincipal Chief, until the disability be removed, or a Principal Chief shall be elected.

*Sec.* 6.—The Principal Chief, shall, at stated times, receive for their services,—a compensation—which shall neither be increased nor diminished during the period for which they shall have been elected; and they shall not receive, within that period, any other emolument from the Cherokee Nation, or any other government.

*Sec.* 7.—Before the Principal Chief enters on the execution of his office, he shall take the following oath, or affirmation; "I do solemnly swear (or affirm) that I will faithfully execute the office of Principal Chief of the Cherokee Nation, and will, to the best of my ability, presever, protect and defend, the Constitution of the Cherokee Nation."

*Sec.* 8.—He may, on extraordinary occasions, convene the the General Council at the Seat of Government.

*Sec.* 9.—He shall from time to time give to the General Council information of the State of the Government, and recommend to their consideration such measures as he may think expedient.

*Sec.* 10.—He shall take care that the laws be faithfully executed.

*Sec.* 11.—It shall be his duty to visit the different districts, at least once in two years, to inform himself of the general condition of the Country.

*Sec.* 12.—The assistant Principal Chief shall, by virtue of his office, aid and advise the Principal Chief in the Administration of the Government, at all times during his continuance in office.

*Sec.* 13.—Vacancies that may happen in offices, the appointment of which is vested in the General Council, shall

be filled by the Principal Chief, during the recess of the General Council, by granting Commissions which shall expire at the end of the next Session.

*Sec.* 11.—Every Bill which shall have passed both Houses of the General Council, shall before it becomes a law, be presented to the Principal Chief of the Cherokee Nation. If he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journals, and proceed to reconsider it. If, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. If any bill shall not be returned by the Prin'l Chief within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it; unless the General Council by their adjournment prevent its return, in which case it shall be a law, unless sent back within three days after their next meeting.

*Sec.* 15.—Members of the General Council and all officers Executive and Judicial, shall be bound by oath to support the Constitution of this Nation, and to perform the duties of their repective offices with fidelity.

*Sec.* 16.—In case of disagreement between the two houses with respect to the time of adjournment, the Principal Chief shall have power to adjourn the General Council to a such a time as he thinks proper, *provided*, it be not to a period beyond the next Constitutional meeting of the same.

*Sec.* 17.—The Principal Chief shall, during the siting of the General Council, attend to the Seat of Government.

*Sec.* 18.—There shall be a Council to consist of three men to be appointed by the joint vote of both Houses, to advise the Principal Chief in the Executive part of the Government, whom the Principal Chief shall have full power, at his discretion, to assemble; and he, together with the assistant Principal Chief, and the Counsellors, or a majority of them may, from time to time, hold and keep a Council for ordering and directing the affairs of the Nation according to law.

*Sec.* 19.—The members of the Council shall be chosen for the term of one year.

*Sec.* 20.—The resolutions and advice of the Council shall

be recorded in a register and signed by the members agreeing thereto, which may be called for by either house of the General Council; and any counsellor may enter his dissent to the resolution of the majority.

*Sec.* 21.—The Treasurer of the Cherokee Nation shall be chosen by the joint vote of both Houses of the General Council for the term of two years.

*Sec.* 22.—The Treasurer shall, before entering on the duties of his office, give bond to the Nation with sureties to the satisfaction of the Legislature, for the faithful discharge of his trust.

*Sec.* 23.—No money shall be drawn from the Treasury, but by warrant from the Principal Chief, and in consequence of appropriations made by law.

*Sec.* 25.—It shall be the duty of the Treasurer to receive all public monies, and to make a regular statement and account of the receipts and expenditures of all public monies at the annual Session of the General Council.

Article V.—*Sec.* 1.—The Judicial Powers shall be vested in a Supreme Court, and such Circuit and Inferior Courts, as the General Council may, from time to time ordain and establish.

*Sec.* 2.—The Surpreme Court shall consist of three Judges, any two of whom shall be a quorum.

*Sec.* 3.—The Judges of each shall hold their Commissions four years, but any of them may be removed from office on the address of two thirds of each house of the General Council to the Principal Chief, for that purpose.

*Sec.* 4.—The Judges of the Supreme and Circuit Courts shall, at stated times, receive a compensation, which shall not be diminised during their continuance in office, but they shall receive no fees or perquisites of office, nor hold any other office of profit or any other power.

*Sec.* 5.—No person shall be appointed a Judge of any the Courts before he shall have attained to the age of thirty years, nor shall any person continue to execute the duties of any of the said offices after he shall have attained to the age of seventy years.

*Sec.* 6.—The Judges of the Supreme and Circuit Courts shall be appointed by a joint vote of both houses of the General Council.

*Sec.* 7.—There shall be appointed in each District, under

the Legislative authority, as many Justices of the Peace as it may be deemed the public good requires, whose powers, duties and duration in office, shall be clearly designated.

*Sec.* 8.—The Judges of the Supreme Court and Circuit Courts shall have comple criminal Jurisdiction in such cases and in such manner as may be pointed out by law.

*Sec.* 9.—Each Court shall choose its own Clerks for the term of four years; but such Clerks shall not continue in office unless their qualifications shall be adjudged and approved of by the Judges of the Supreme Court, and they shall be removable for breach of good behaviour at any time, by the Judges of their respective courts.

*Sec.* 10.—No Judge shall sit on trial of any cause, where the parties shall be connected with him by affinity or consanguinity, except by consent of the parties. In case all the Judges of the Supreme Court shall be interested in the event of any cause, or related to all, or either of the parties, the Legislature may provide by law for the selection of three men of good character and knowledge, for the determination thereof, who shall be specially commissioned by the Principal Chief for the case.

*Sec.* 11.—All writs and other process shall run in the name of the Cherokee Nation, and bear test, and be signed by the respective clerks.

*Sec.* 12.—Indictments shall conclude, "against the peace and dignity of the Cherokee Nation."

*Sec.* 13.—The Supreme Court shall hold its session annually at the seat of Government to be convened on the second Monday of October in each year.

*Sec.* 14.—In all criminal prosecutions, the accused shall have the right of being heard, of demanding the nature and cause of the accusation against him, of meeting the witnesses face to face, of having compulsory process for obtaining witnesses in his favor: and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; nor shall he be compelled to give evidence against himself.

*Sec.* 15.—The people shall be secure in their persons, houses, papers and possessions, from unreasonable seizures and searches, and no warrant to search any place or to seize any person or things, shall be issued without describing them as nearly as may be, nor without good cause, supported by

oath, or affirmation. All prisoners shall be bailable by sufficient securities unless for capital offences, where the proof is evident, or presumption great.

ARTICLE VI.—*Sec.* 1.—Whereas, the ministers of the Gospel are, by their profession, dedicated to the service of God and the care of souls, and ought not to be diverted from the great duty of their function, therefore, no minister of the Gospel, or public preacher of any religious persuasion, whilst he continues in the exercise of his pastoral functions, shall be eligible to the office of Principal Chief, or a seat in either house of the General Council.

*Sec.* 2.—No person who denies the being of a God, or a future state of rewards and punishment, shall hold any office in the civil department of this Nation.

*Sec.* 3.—The free exercise of religious worship, and serving God without distinction shall forever be allowed within this Nation; *Provided*, That this liberty of conscience shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this Nation.

*Sec.* 4.—Whenever the General Council shall determine the expediency of appointing delegates or other public Agents for the purpose of transacting business with the Government of the United States; the power to recommend, and by the advice and consent of the Committee, shall appoint and commission such delegates or public agents accordingly, and all matters of interest touching the rights of the citizens of this Nation, which may require the attention of the government of the United States, the Principal Chief shall keep up a friendly correspondence with that Government, through the medium of its proper officers.

*Sec.* 5.—All commissions shall be in the name and by the authority of the Cherokee Nation, and be sealed with the seal of the Nation, and signed by the Principal Chief.

The Principal Chief shall make use of his private seal until a National seal shall be provided

*Sec.* 6.—A Sheriff shall be elected in each District by the qualified electors thereof, who shall hold his office for the term of two years, unless sooner removed. Should a vacancy occur subsequent to an election, it shall be filled by the Principal Chief as in other cases, and the person so appointed shall continue in office until the next general election, when such vacancy shall be filled by the qualified electors, and the

Sheriff then elected shall continue in office for two years.

*Sec.* 7—There shall be a Marshal appointed by a joint vote of both houses of the General Council, for the term of four years, whose compensation and duties shall be regulated by law, and whose jurisdiction shall extend over the Cherokee Nation.

*Sec.* 8.—No person shall for the same offence be twice put in jeopardy of life or limb, nor shall any person's property be taken or applied to public use without his consent; *Provided*, That nothing in this clause shall be so construed as to impair the right and power of the General Council to lay and collect taxes. All courts shall be open, and every person for an injury done him in his property, person or reputation, shall have remedy by due course of law.

*Sec.* 9.—The right of trial by jury shall remain inviolate.

*Sec.* 10.—Religion, morality and knowledge being necessary to good government, the preservation of liberty, and the happiness of mankind, schools and the means of education shall forever be encouraged in this Nation.

*Sec.* 11.—The appointment of all officers, not otherwise directed by this Constitution, shall be vested in the Legislature.

*Sec* 12—All laws in force in this Nation at the passing of this Constitution, shall so continue until altered or repealed by the Legislature, except where they are temporary, in which case they shall expire at the times respectively limited for their duration; if not continued by an act of the Legislature.

*Sec.* 13.—The General Council may at any time propose such amendments to this Constitution as two thirds of each house shall deem expedient; and the Principal Chief shall issue a proclamation, directing all the civil officers of the several Districts to promulgate the same as extensively as possible within their respective Districts, at least nine months previous to the next general election, and if at the first session of the General Council after such general election, two thirds of each house shall, by yeas and nays, ratify such proposed amendments they shall be valid to all intents and purposes, as parts of this Constitution; *Provided*, That such proposed amendments shall be read on three several days, in each house as well when the same are proposed as when they are ratified.

Done in Convention at New Echota, this twenty-sixth day of July, in the year of our Lord, one thousand eight hundred

and twenty-seven; In testimony whereof, we have each of us, hereunto subscribed our names.

JNO. ROSS, *Pres't Con.*

Jno. Baldrige, Geo. Lowrey, Jno. Brown, Edward Gunter, John Martin, Joseph Vann, Kelechulee, Lewis Ross, Thomas Foreman, Hair Conrad, James Daniel, John Duncan, Joseph Vann, Thomas Petitt, John Beamer, Ooclenota, Wm. Boling, John Timson, Situwakee, Richard Walker,

A. McCOY, *Sec'y to Con.*

# LAWS, &C.

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*Resolved by the Committee and Council, in General Coun, cil Convened,* That the resolution of the General Council, passed 8th November, 1828, vesting in the Treasurer of the Cherokee Nation authority to issue permits to native citizens for the introduction of white men, and all such as are not citizens into the Nation as mechanics, &c., be, and the same is hereby, suspended until further regulations are made on the subject, and that the National Treasurer be notified of this suspension without delay.

*New Echota, Oct. 15th,* 1829.

Approved—JNO. ROSS.

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*Resolved by the National Committee and Council, in Genral Council Convened,* That from and after the passage of this act, any person or persons, not citizens of the Nation, who shall marry according to law in this nation, and lose by death a wife or husband as the case may be, and not having a child or children by him or her to whom so married, shall be deprived, and is thereby deprived of citizenship, by the death of the Cherokee citizen or citizens, that created his or her right, *i. e.* the right of the said white person or persons or any such, who had become citizens by marriage with any cittzens of this Nation.

*Be it further Resolved by the Authority aforesaid,* That any such citizen or citizens as aforesaid, who shall lose by death, a wife or husband, as the case may be, and have living a child, or children, the fruit of any marriage according to law, shall be and continue a citizen or citizens of the Cherokee Nation so long as they shall remain single or shall marry any other citizen of the nation again.

*Be it further resolved, by the authority aforesaid*, That any such person or persons aforesaid who shall lose a wife or husband, as the case may be, by death, and have a child or children, the fruit of such lawful marriage, and shall marry a white person or persons of such as come into the Nation, or any other by the law of marriage, shall upon and by such marriage aforesaid, destroy and nullify, his or her rights as the case may be, who shall marry, to citizenship in this Nation; and so long as he, she, or they of such persons aforesaid, shall remain in the country, shall be considered intruders upon the soil of the Nation, and be liable to expulsion and removal from the nation according to laws made and provided in such cases.

*New Echota, Oct. 15th*, 1829.

Approved—JNO. ROSS

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*Resolved by the Committee and Council, in General Council Convened*, That all those who have buildings upon the public square of Echota be, and they are hereby, required to remove said buildings from said square before the next annual session of the General Council under the penalty of ten dollars, and of having the same pulled down and removed at their expense.

*Be it further resolved*, That no person or persons whatsoever, shall be allowed to build upon the said square without special permission from the General Council, under the penalty of forfeiting the same to the Nation, and being fined in a sum of one hundred dollars.

*New Echota, Oct.* 16, 1829.

Approved—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened*, That there shall be a person appointed to keep and take care of the public buildings of the Nation, in New Echota, and preserve and retain the keys of the buildings aforesaid; and whose duty it shall be to have the floors and benches of the buildings aforesaid washed and ready for the use of the General Council and the Supreme Court of the

Nation at the commencement of their respective sessions, appointed by law; and who shall be allowed to open the doors of the public buildings during the recess of the aforesaid General Council and Supreme Court, to any minister or ministers, or any other person disposed to hold public worship in the same.

*Be it further Resolved*, That the salary of the keeper of the public buildings shall be, per annum, ten dollars.

*Be it further Resolved*, That Elias Boudinot be, and is hereby appointed as the keeper of the public buildings aforesaid.

*New Echota, October* 16, 1829.

Approved—JNO. ROSS.

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*Resolved by the National Committee and Council, in General Council Convened*: That the Clerk of the Council be authorized, and is hereby required to employ a mechanic to repair the Council House floor, door and jams, and to put in the glass that are broken in the windows, and shut up the crevices in the same manner as they were at first before the planks were removed; and also to fix up a shelf over the fireplace of the Council House, which is removed; and fix up the shutters and make plain steps at the door.

*New Echota, Oct.* 17, 1829.

Approved—JNO. ROSS.

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*Resolved by the National Committee and Council, in General Council Convened*, That Noochorwee of Aquohee, who had committed murder, some time ago, is hereby reprieved and discharged from the sentence of death that was pronounced against him by the Circuit Judge, Daniel M'Coy, and that from this date he be, and is, placed under the protection of the laws of this Nation, as a citizen of this Nation, and any person or persons who shall contrary to this act, mal-treat his body, or take away his life, shall abide and experience the consequences of the law, as if it had been done to him in a state of innocence.

*New Echota, 19th October*, 1829.

Approved—GEO. LOWREY *Ass't Prin'l Chief.*

*Resolved by the Committee and Council, in General Council Convened*, That the law passed 12th of November, 1824, authorizing the issuing of permits for five years to mechanics of the several branches of trade &c. be, and the same is hereby, repealed;—and it shall not be lawful from and after the passage of this act to issue a permit to any person or persons whatsoever, for a greater length of time than one year.

*Be it further Resolved*, That no permit shall be issued for the introduction of mechanics into the Nation *with their families*, save those who are entitled to cultivate twelve acres of land by the law passed 26th October, 1819, viz: Blacksmiths, Millers, Ferrymen and Turnpike-keepers, all others not allowed this privilege, excepting schoolmasters, shall be prohibited from bringing into and keeping their families in the Nation.

*Be it further Resolved*, That whenever a citizen wishes to procure a permit, he shall be required to petition the National Treasurer for the same, and shall obtain three or more respectable signers to said petition in his own neighborhood, setting forth the necessity of granting said petitioner a permit, also stating the name, character and profession of the mechanic petitioned for, and no two men shall be introduced under the same permit under any circumstances whatever.

*Be it further Resolved*, That if any person or persons petitioning the National Treasurer as above for a permit, and obtaining the same, shall introduce into the country a man who should prove not to be a mechanic, or such as he is stated to be in the petition, or bring into the Nation a family not allowed by law, he shall be fined in a sum, to be assessed by the District or Circuit Court of the respective District, not less than twenty-five, nor exceeding fifty dollars, which sum, when collected, shall be paid into the National Treasury; and in case the person or persons so offending shall not be able to pay said fine, the persons who may have signed the petition praying for the permit shall be held equally bound for the same, and the person so brought into the Nation expelled.

*Be it further Resolved*, That no person who shall have obtained a permit for a mechanic shall be allowed to employ such mechanic on his farm, under the penalty prescribed in the resolution passed 14th November, 1828, for employing citizens of the United States without permission.

This is to be considered a supplement to the amendment of 8th November, 1828, to the law passed 26th October 1819.

*Echota, 21st October*, 1829.

Approved—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened*, That in case of the removal, death, resignation, or inability of the Principal Chief of the Cherokee Nation, to discharge the duties incumbent upon him by law, the Assistant Principal Chief shall act as such and perform the duties accordingly, until such vacancy or disability shall be removed by the General Council; and in this case the President of the National Committee shall act as Assistant Principal Chief; and in the event the Principal and Assistant Chiefs shall not be able to discharge respectively their duties, in consequence of removal from office, resignation, death, or otherwise, the President of the Committee shall perform the duties of Principal Chief, and the Speaker of the Council that of Assistant Principal Chief, until the General Council in session shall fill such vacancies or remove the inability.

*Echota 21st October*, 1829.

Approved—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened*, That Edward Graves be and is hereby appointed to copy the journals of the two branches of the Legislative Council, and translate the same for publication in the Cherokee language, for the benefit of distant readers in the Nation, to be published weekly in the Cherokee Phœnix, and whose compensation shall be fifty cents per day while in actual business, during the session of the General Council.

*New Echota, 22d October*, 1829.

Approved—JNO. ROSS.

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*Whereas*, in order to testify to the talented author of a series of essays publishing in the National Intelligencer at

Washington city, over the signature of William Penn, and to the world, the respect and gratitude of the Cherokee people for the able exposition and defence of their rights as secured and recognized by subsisting treaties with the United States: and in order to ensure a more extensive circulation of the same, and afford to the citizens of this Nation the means of becoming more clearly acquainted with the relationship they sustain to the General Government, and the sure basis upon which they now stand upon the soil of their ancestors, as have been so explicitly demonstrated by the voluntary services of this able advocate in the cause of suffering humanity, therefore,

*Resolved by the Committee and Council, in General Council Convened*, That the Editor of the Cherokee Phœnix be, and he is hereby requested to publish in pamphlet form two thousand copies of the series of essays now publishing in the National Intelligencer, over the signature of William Penn, on the "Present crisis in the condition of the American Indians," and that he be authorized to employ an assistant to aid in the translation of the same into the Cherokee language, which shall be printed in both languages in parallel columns, as early as it may be practicable to accomplish the same.

Approved, 27th October—JNO. ROSS.

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*Whereas*, a law has been in existence for many years, but not committed to writing, that if any citizen or citizens of this Nation shall treat and dispose of any lands belonging to this Nation without special permission from the National Authorities, he or they, shall suffer death, therefore,

*Resolved by the Committee and Council, in General Council Convened*, That any person or persons who shall, contrary to the will and consent of the Legislative Council of this Nation, in General Council convened, enter into a treaty with any Commissioner or Commissioners of the U. States, or any officers instructed for the purpose, and agree to sell or dispose of any part or portion of the National lands defined in the Constitution of this Nation, he or they so offending, upon conviction, before any of the Circuit Judges or the Supreme Court, *shall suffer death;* and any of the Circuit Judges aforesaid are authorized to call a court for the trial of any such person or persons so transgressing.

*Be it further Resolved*, That any person or persons, who shall violate the provisions of this act, and shall refuse, by resistance, to appear at the place designated for trial, or abscond, are hereby declared to be outlaws, and any person or persons, citizens of this Nation, may kill him or them so offending, in any manner most convenient, within the limits of this Nation, and shall not be held accountable to the laws for the same.

*Be it further Resolved*, That if any citizen or citizens of this Nation shall enter into a treaty, with the United States Government, for any object whatever, other than a cession of land, he or they, upon conviction, shall be punished with one hundred lashes on the bare back; and no treaty shall be binding upon this Nation, which shall not have been ratified by the General Council, and approved by the Principal Chief of the Nation.

*New Echota, Oct. 26th*, 1829.

Approved 27 Oct., 1829—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened*, That from the date of this Resolution, the payment of all moneys due or that may become due by bonds or loans to the National Treasury, be, and is hereby suspended for the space of two months, during which time the debtors shall be required to come forward and renew their bonds by giving five approved securities and paying up the interest due thereon; and any person or persons complying with the above requirement, shall be allowed to pay his or their bond or bonds by six instalments of six months each with the interest due on the principal at the expiration of each enstalment; and in case any person or persons shall renew his or their bonds as above, and fail to pay the first instalment and interest as it becomes due, the Treasurer shall proceed to have the same collected agreeably to law, and not more than one instalment and interest at any one time, unless the debtor or debtors fail to comply with the above requirements to renew his or their bond or bonds within the space of two months allowed them; then, in that case, the whole amount shall be collected.

This to be an amendment to the Resolution passed 22d October, 1828, extending further indulgence to persons in-

debted to the National Treasury for loans; and so much of said resolution as militates with the provisions of this act be, and is hereby repealed.

*New Echota, Oct. 27th,* 1829.

Approved—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened,* That the law passed 25th October, 1824, on the subject of letting out the federal roads to the lowest bidder, to be kept in repair, be, and the same is hereby repealed, and that the following be substituted in lieu thereof.

*Be it further Resolved,* That the following shares alone shall hereafter be let out to the lowest bidder, who shall be a citizen of this Nation, for the term of five years, from the first of December next, viz: from Walker's ferry to Five Killer's, from the mouth of O-wah-ko-hee river to Conasauga river, thence to Vann's mill creek, thence to the middle of Coosewaytee river, thence to the middle of Talking Rock creek, thence to the middle of Long-swamp creek, and thence to the middle of Etowah river, and from thence to Chattahoochee river, making in all eight shares. The road to be cut and opened twenty-four feet wide, to be clear of trees, and the causeways covered with dirt, and, together with the digging of mountains and hills, to be fourteen feet wide, clear of large rocks projecting above the level of the road, roots and grubs, excepting where the road passes through a mountain or hills, and where in consequence of rocks, &c., it may be impossible to make it the above width, then twelve feet shall be considered a sufficient width; the banks of all water courses to be put in complete order.

*Be it further Resolved,* That the contracts for keeping the said shares in good repair shall be let out to the lowest bidder by the National Treasurer at Coosewaytee, and all contractors shall be required to give bonds with sufficient security for the faithful performance of their respective contracts in a penal sum double the amount for which he or they may undertake to keep his or their share or shares in good repair; and the Treasurer shall be required to give public notice at least twenty days previous to the time of letting out the same.

*Be it further Resolved,* That the Treasurer be, and he is hereby authorized and directed to appoint one or more commissioners to review the road once in four months throughout the year, whose duty it shall be to report to him on the situation of said roads, and in case of violation on the part of any of the contractors, of the provisions of this resolution, suits shall be instituted against such person or persons in the courts of the respective District in which he or they may reside, who, upon conviction, shall forfeit and pay double the sum of one year's payment; and the said share or shares shall be forfeited and let out again upon the Treasurer's receiving information of any part of the road not being repaired agreeably to the provisions of this act, from the commissioner appointed to examine said road: he shall notify the contractor of the same, and in case said contractor shall not put in good order such part or parts of said road before the commissioner re-examines the same, then the Treasurer shall institute suit against him as above mentioned.

*New Echota, October* 30, 1829.

Approved—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened,* That the law imposing a poll tax on the citizens of this Nation, also the one imposing a tax on citizen merchants, be, and they are hereby suspended, until the General Council shall deem it expedient to remove such suspension.

*New Echota, October* 31, 1829.

Approved Nov. 2d.—JNO. ROSS.

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*Resolved by the National Committee and Council, in General Council Convened,* That from and after the passage of this act, if any citizen of this Nation, shall bind themselves by enrollment or otherwise as emigrants to Arkansas, or for the purpose of removing out of the jurisdictional limits of the Nation, he, she or they enrolling or otherwise binding themselves, shall forfeit thereby all the rights and privileges he, she or they may have, previously thereto, claimed or enjoyed as citizens of this Nation, and shall be viewed in the same

light as others not entitled to citizenship, and treated accordingly.

Sec. 2d. *Be it further Resolved*, That if any person or persons, citizens of this Nation shall sell or dispose of his, her or their improvements to any person or persons so enrolled or otherwise bound as above mentioned, he, she or they shall be viewed as having disposed of his, her or their improvements to a citizen of the United States, and shall be ineligible to hold any office of honor, profit or trust in this Nation, and upon conviction thereof, before any of the Circuit Courts of the several Districts, be fined in a sum not less than one thousand dollars nor exceeding two thousand dollars, and punished with one hundred lashes.

Sec. 3d. *Be it further Resolved*, In order to prevent any person or persons from screening him, her, or themselves from the penalties above prescribed by pretending to have sold or disposed of his, her or their improvements to a lawful citizen and not an emigrant, all citizens of this Nation who may hereafter buy, sell or dispose of in any manner their improvements to each other, be, and they are hereby required, the disposer as well as the purchaser of such improvements to make affidavit, to be filed in the Clerk's office of the District, before any of the District Judges or clerks of the several Courts, that he, she or they did not dispose or transfer, purchase or obtain such improvement, for the purpose of having it valued by the United States Commissioners or Agents, or were not acting as agents of emigrants in making such purchase or transfer; and in case any person or persons shall fail to comply with this requirement, such person or persons shall upon conviction before any of the Circuit Courts in this Nation, pay a fine of not less than one dollar, nor exceeding two hundred dollars for every offence so committed.

*Be it further Resolved*, That if any citizen or citizens of this Nation, shall dispose or transfer his, her or their improvements without complying with the requisition of the third section of this act, and the person or persons to whom the sale or transfer of such improvements may be made, should thereafter by enrolment or otherwise become an emigrant or emigrants, and shall get said improvement or improvements valued by agents of the General Government within thirty days after such purchase or transfer shall have been made, or at any time whilst the disposer continues to remain

in possession of the same, then, in that case, the person or persons who may have so disposed of or transferred the improvements as aforesaid, shall be subject to the same penalty prescribed in the 2d section of this act, for disposing of improvements to emigrants.

*Be it further Resolved*, That any person or persons whosoever who have bound themselves together by enrolment or otherwise, as emigrants under the treaty of 1828, with the Arkansas Cherokees, or who have had, or intend to have their improvements valued by the agents of the General Government, and do not remove out of the jurisdictional limits of this Nation within fifteen days after the passage of this act, they shall be viewed and treated as intruders in the same manner as those who may become emigrants hereafter.

Sec. 4th. *Be it further Resolved*, That the Principal Chief of the Nation be, and he is hereby authorized, by and with the advice of the executive counsellors, to order the apprehension of any intruders within the limits of this Nation to be delivered over to the Agent of the United States for the Cherokees to be prosecuted under the intercourse laws of the United States, or to *expel*, "or to *punish* them or not as they please."

*New Echota*, 31*st Oct.*, 1829.

Approved—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened*, That the elections to be holden here-for in the several Districts for members of the General Council, Sheriffs and Constables, shall be held at the following precincts until otherwise altered by the General Council, viz: Chickamauga District: The first precinct to be at the Court House, the second at Hunter Langly's in Lookout Valley; third at Hick's Mill, and the fourth at Kah-nah-cloo's. Chattooga District. First precinct at the Court House, second at Ah-ne-lah-kayah's in Turkey Town, third at James Fields', Turnip Mountain, fourth at Laugh-at-mush's, Will's Valley, fifth at Edward Gunter's in Creek Path, and sixth at Raccoon Town, at Little Turtle's house. Coosewatee District: First at the Court House, and the third at Ellijay. Ahnohee District: First at the Court House, second at Squires in Long Savannah, third

at Chee-squah-ne-ta's, fourth at Swimmers, Highwassee Old Town. Hickory Log District: First at the Court House, second at the old Court House, third at or near Big Savannah. Hightower District: First at the Court House, second at Pipes Spring, third at Yon-nah-oo-woh-yee's. Tahquohee District: First at the Court House, second at Choowalookee's, third at Oowatee's, fourth at Skenah Town, fifth at Beach Town. Aquohee District: First at the Court House, second at Lame Dick's, third at Highwassee Town, fourth at widow Nettle Carriers', fifth at Chee-yoh-ee.

*Be it further Resolved,* That two superintendents and one clerk shall be appointed to take the votes at each precinct, and it shall be the duty of the Circuit Judges respectively to make such appointments while on their Judicial Circuit last preceeding the general elections for members of the General Council, and shall notify the managers and clerks of their appointment, by the Sheriff of the District, and in case either of the Circuit Judges shall fail to hold his courts agreeably to law, or any of the managers or clerks shall refuse to act, the District Judge shall be authorized to fill such vacancies; and in case any shall fail to attend on the day of the election, the voters shall be allowed to choose some suitable person or persons to act in his or their stead.

*Be it further Resolved,* That the clerks shall particularly take down the names of all persons voting and for whom they may vote; and the managers and clerks shall meet at the court house in their respective Districts on the Wednesday succeeding the election, then and there to count the votes and issue a certificate to each member elect, of his constitutional election.

*Be it further Resolved,* That the managers and clerks while acting shall be upon oath, and shall not be entitled to receive any compensation from the National Treasury for their services.

*New Echota, 2d Nov.,* 1829.

Approved—JNO. ROSS.

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*Whereas,* It has long been an established custom in this Nation and admitted by the courts as law, yet never committed to writing, that the property of Cherokee women after their

marriage cannot be disposed of by their husbands, or levied upon by an officer to satisfy a debt of the husband's contracting, contrary to her will and consent, and disposable only at her option—therefore,

*Resolved by the National Committee and Council, in General Council Convened,* That the property of Cherokee, and other women, citizens of this Nation, after their marriage shall not be taken or disposed of in any manner contrary to her consent, for the purpose of satisfytng a debt contracted by her husband, nor shall the property of the husband be liable to seizure, or otherwise to satisfy the debts contracted by the wife.

*Be it further Resolved,* That whenever a levy may be made on any property claimed by either the husband or wife, or any other person as not belonging to the one indebted, he or she, so claiming such property, shall be required to enter into bond with security, for the forthcoming of such property at the District or Circuit Court next to be holden in the respective District, and the right thereof to be then and there tried agreeably to law, and in case the person claiming such property shall fail to establish the legality of his or her claim, the debtor shall forfeit and pay twelve and a half per cent. on the amount of such debt, in addition to the lawful interest for the benefit of the creditor or creditors.

*New Echota, 2d Nov.,* 1829.

Approved—JNO. ROSS.

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*Resolved by the National Committee and Council, in General Council convened,* That the law establishing precincts, for holding elections for members of the General Council; the following be added to those already made in Coosawatee District to wit: at New Echota, shall be the fourth precinct, and at the Town House of Pine Log and Salequohya the fifth precinct; at Shoemake, at the house of Eli Harlin, where Jacob Harnage used to live to be the sixth precinct; and also in Hightower District, Cedar Creek, at or near Samuel Roves, to be a precinct, in addition to those already in existence.

*New Echota, Nov. 3d,* 1829.

Approved—JNO. ROSS.

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*Resolved by the National Committee and Council, in General Council Convened,* That the compensation of the men

who may from time to time be employed by the Principal Chief and Executive Council, in executing the law passed, on the subject of intruders, shall be one dollar per day while in actual service.

*New Echota, 4th Nov.*, 1829.

Approved—JNO. ROSS.

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*Resolved by the National Committee and Council, in General Council Convened*, That the sum of one hundred dollars be, and the same is hereby, appropriated out of any monies in the Treasury not otherwise appropriated, for Elias Boudinott, as additional pay for his services for the present year as Editor of the Cherokee Phœnix, which sum was promised to him by the Principal Chief before he would accept of the appointment as Editor after he had tendered his resignation.

*New Echota, Nov. 4th*, 1829.

Approved—JNO. ROSS.

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*Resolved by the National Committee and Council, in General Council Convened*, That Stephen Foreman be, and he is hereby, appointed assistant Editor of the Cherokee Phœnix for the term of one year, whose duties shall be to translate all public documents for publication, from the English into the Cherokee language, and all English news deemed useful for Publication shall also be translated into the same by the assistant, under the direction of the principal Editor of the Cherokee Phœnix aforesaid.

*Be it further Resolved*, That the compensation of the assistant Editor aforesaid, shall be two hundred dollars per annum, to be paid quarterly by the National Treasurer; and so much of the law passed this session of the General Council, authorizing the Editor of the Cherokee Phœnix to appoint an assistant translator from English into Cherokee, &c, is hereby repealed.

*New Echota, Nov. 4th*, 1829.

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*Resolved by the National Committee and Council, in General Council Convened*, That the sum of sixty dollars be, and

the same is hereby, appropriated out of any monies in the National Treasury not otherwise appropriated, for the benefit of John Candy, an apprentice to the printing business in the office of the Cherokee Phœnix, for the purchase of clothes during the ensuing year. And an appropriation be, and also is hereby made as above, for the benefit of Thomas B. Watie, another apprentice, to be placed in the hands of John F. Wheeler, and to be applied by him to the purchase of such articles of clothing as said Watie may need; *Provided*, that the aforesaid appprentices bind themselves to serve their time out faithfully for the term they have agreed to serve, that is, three years for said Candy from the time of his commencement, and three years for said Watie, from the time of his commencing business; and that the Editor be, and he is hereby required to have the said apprentices bound in a written obligation, according to the contemplation of the law passed 19th Nov., 1828, and to place the same in the hands of the Principal Chief before he shall be authorized to issue warrants for the sums above allowed said apprentices for the purchase of their clothing, which said sums shall be drawn quarterly from the from the Treasury.

*New Echota, Nov. 9th*, 1829.

Approved—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened*, That Kahetehee be and he is hereby appointed to take good care of an old blind man, named Big Bear, at his house, and supply him with food, and wash his person and clothes, and keep him in a decent condition, for which, he shall be allowed one dollar a month as a compensation, to be paid at the end of the year, or sooner, in case of Big Bear's decease.

*Echota, C. N. November 9th*, 1829.

Approved—JNO ROSS.

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*Resolved by the Committee and Council, in Genral Council Convened*, That the Treasurer of the Cherokee Nation be, and he is hereby directed and required to dispose of all the

public gun-powder now on hand, or which may hereafter belong to the Nation during his continuance in office, in such manner as he may deem most advantageous to the Nation, and the proceeds arising therefrom shall be placed in the National Treasury.

*Be it further Resolved,* That he be, and he is hereby further directed and required to obtain a list of the names of all persons who have purchased town lots in Echota at public sale, and who have not paid for them; and all such persons be, and they are hereby, required to make payment to the Treasurer by the first of January next, or otherwise enter into bond and security with the Treasurer, before that time, to pay the amount of their purchases, with interest, in six months; and in case any person or persons, who have bid off lots shall fail to make payment as above, or enter into bond, the Treasurer shall institute a suit against him or them for the recovery of the same.

*Echota, C. N. November 9th,* 1829.

Approved—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened,* That an appropriation be, and the same is hereby made, out of any moneys in the Treasury not otherwise appropriated, to meet the contingent expenses, allowable by law, and which may become due before the next General Council.

*Be it further Resolved,* That the Principal Chief shall issue a warrant to the Treasury, whenever any such expenses may become due, for the same.

*Echota, November 9th,* 1829.

Approved—JNO. ROSS.

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*Resolved by the National Committee and Council in General Council Convened,* That from and after the passage of this act, any person or persons who shall be summoned to assist in taking or guarding any criminal or criminals, under the authority of any lawful officer or officers of the Nation, shall be allowed a compensation of fifty cents per day, and this

shall be in lieu of the allowance provided for by the law passed November 8, 1825, and the same be, and is hereby repealed.

*And be it further Resolved*, That it shall be the duty of the several Judges to make out a bill of costs for every case decided by their respective Courts, and when appeals are taken to a higher Court the bill of costs shall be transmitted up to said Court, certified to by the Judge and Clerk; and when a verdict is given in a criminal case, the bill of cost shall be made out as aforesaid, and an execution issued against the property of the person or persons cast in the prosecution; and it shall be the duty of the officers to make collection, and if no property can be found belongtng to any criminal or criminals convicted, it shall be the duty of the officer to make a report to the Court at the next term; and upon making the following oath before the Court.

"I, A. B. do solemnly swear that I have made diligent search for property to levy upon, for the costs of suit, in a criminal action against C. D. who was convicted in this District in last on a charge of and that after every exertion, I have been unable to find any species of property belonging to C. D. the criminal convicted;" It shall then be the duty of the Judge to direct the Clerk to make out a copy of the bill of cost, and certify that it had been returned by the officer, with the oath required, that no property could be found;—and this certificate shall be presented to the Principal Chief for a warrant on the National Treasury for the costs which are admissable by law in such cases.

*Be it further Resolved*, Whenever a warrant is issued, for the apprehension of a criminal, the officer or officers to whom it is directed shall not (unless he apprehends violent resistance) press more than two persons, to aid him in the apprehension and guarding the criminal. So much of all laws militating against this are hereby repealed.

*New Echota, Nov.* 10, 1829.

Approved—JNO. ROSS.

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*Resolved by the Committee and Council, in General Council Convened*, That from and after the passage of this act,

the compensation of the President of the Committee shall be two dollars and fifty cents per day, and the Clerk thereof, the same, and the Interpreter to the Committee, being a member thereof, two dollars, and all others, of the Committee, shall receive one dollar and fifty cents a day.

*Be it further Resolved*, That the compensation of the members of the Council shall be as follows: The Speaker shall be entitled to two dollars and fifty cents a day, and the balance one dollar and fifty cents each a day, any law to the contrary notwithstanding.

*New Echota, Nov.* 10, 1829.

Approved—JNO. ROSS.

# LAWS

OF THE

# "OLD SETTLERS,"

OR

# WESTERN CHEROKEES:

ADOPTED

AT

# VARIOUS PERIODS.

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Sec. 1st.—*Establishing the Executive Department.*—On examining the National papers and documents containing the laws of the Cherokee Nation, we find that the first law committed to writing was done at a Council held on Piney Creek at John Smith's house, bearing date of 11th September, 1824, which law, or act of said date, refers back to a law passed at a Council held Tick-a-to-ka's village, Illinois Bayou, A. T., on the 21st of July, 1824, at which time the Nation was divided into four Districts, and the people of each District were required to select or appoint two persons out of each one of their respective Districts, who were to serve for a term of twelve months, and when convened were to be called the National

Committee. Accordingly, the people met in their respective Districts and selected their members making in all eight members, which members convened at John Smith's on Piney, Sept. 11th, 1824, as before stated; and after organizing themselves into a Committee, Col. Walter Webber was called upon to preside as Chairman of the Committee, and D. Brown appointed clerk, whereupon the National Committee proceeded as follows:

*Resolved by the National Committee, in General Council Convened*, That from and after the date of this, the Executive Department of the Cherokee Government shall consist of three persons, that is, a First Chief, a Second Chief, and a Third or minor Chief, which Chiefs shall serve for a term of four years from the date of their appointment, and the First and Second Chiefs shall receive a salary of one hundred dollars each annually, and the Third or minor Chief, sixty dollars.

By order of the National Committee.

*Piney, Sept. 11th*, 1824.

WALTER WEBBER. *Chairman.*

Approved—JOHN JOLLY, *Princ'l Chief.*

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In 1829, the Treaty of 1828 had taken place, and the people of the Cherokee Nation had now settled in their present country, ceded to them by said Treaty in exchange for the one occupied by them under Treaty of 1817-18; and at a general council or meeting of the people from different parts of the Nation, held at Tah-lon-tus-kee Council House in 1832, the foregoing act or resolution, (Piney, Sept. 11, 1824,) was so amended as to place all three of the Chiefs upon the same footing, having the same power and the same authority, and entitled to the same salary, one hundred dollars per annum, yet retaining their ranks as First, Second and Third Chief. See Messrs. Jolly, Black Coat and Webber's Commissions as Chiefs—1832.

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*Whereas*, the Chiefs of the Cherokee Nation have called the National Committee and Council together for the purpose of selecting a Chief to fill the vacancy occasioned by the death

of Col. W. Webber, who occupied the office of Third Chief of the Cherokee Nation; now, therefore,

*Resolved by the Committee and Council, in General Council Convened*, That Thomas Chisholm be, and he is hereby, fully appointed and constituted as such to serve and fill the vacated office of Third Chief of the Cherokee Nation, who shall serve out the balance of the four years term the deceased Chief had to serve, ending 1836.

*Furthermore*, the National Committee and Council have thought it advisable and necessary to have two assistant councellors attached to the Chiefs, and also a clerk, and therefore appoint John Rogers and John Looney to the said station or office, and James M. Payne, clerk, which persons are to serve until the present term of the Chiefs is out.

*Tah-lon-tee-skee, July 16th*, 1834.

Approved—JOHN JOLLY, *Princ'l Chief.*

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Thomas Chisholm, Third Chief, having deceased in the autumn of 1834, and Black Coat, Second Chief, having also died in the spring of 1835, the Principal Chief deeming it expedient, has therefore called the National Committee and Council together, and also notified and invited the people generally to attend for the purpose of selecting a Second and Third Chief to fill the vacancies occasioned by the death of the two above named Chiefs.

But people, on account of sickness, being unable to attend generally, the National Council has thought it unadvisable to make a permanent selection of the Chiefs at present, it being however, necessary to have the vacancies filled, the National Council has temporarily appointed Messrs. Joseph Vann, and James Rogers to occupy the said vacated offices until the next annual National Council meets, when a regular appointment of Chiefs to the said offices will take place, and preparatory to this arrangement,

*Resolved by the Committee and Council, in General Council Convened*, That at the next ensuing annual National Council, the National Committee and Council shall proceed by a joint vote of the two houses to elect a Second and Third Chief of the Cherokee Nation, who, when elected, shall serve a term of four years from the date of their election to said offices.

*Further Resolved*, That the principal Chief, John Jolly, shall serve out his present term, and at the expiration of which, (Oct., 1836,) he shall be reinstated in the same office and the station he now occupies, (1st Chief,) for a term of four years more, and the appointment shall be made and perfomed in a manner according to the former usages and customs of the Cherokees on such occasions.

*Tah-lon-tee-skee, June 4th*, 1835.

Approved—JOHN JOLLY *Princ'l Chief.*

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LAWS enacted by the National Council exhibiting the authority delegated to the Chiefs, and also setting forth the nature and extent of their duties while occupying the office of Chiefs of the Cherokee Nation.

ART. 1st. *Resolved by the Committee and Council, in General Council Convened*, That the duty of the Chiefs of the Cherokee Nation shall be to sign all the acts and resolutions of the National Council, that is, such acts and resolutions as are designed to be laws for the government of the Cherokee people and their Nation.

*Resolved further*, That all communications from the National Council to the United States Indian Department, or to an Indian Agent, of a general nature and National importance, shall be submitted to the Chiefs for their consideration and approval; likewise, all communications or resolutions of the National Council relating to another nation or government, and also matters of National importance shall require the approbation and sanction of the Chiefs to make them valid.

*Resolved further*, That all treaties or compacts entered into by and between this Nation and another Nation, shall also require the approbation and sanction of the Chiefs, without which such treaties or compacts shall be of no force.

*And Resolved further*, That all documents or resolutions of the National Council, partaking of the nature of those herein above mentioned, shall be subject to the Chiefs' consideration as before specified, and the same shall be submitted to them by the National Council for that purpose, and if the Chiefs refuse to approve of or sanction such documents or resolutions, they shall thereby be null and void, and of no force; but if the Chiefs approve of and sanction them, they shall then be

valid, lawful and binding upon the Cherokee Nation.

Art. 2d. *Resolved further*, That as the Executive or head of the Cherokee Government consists of three persons or chiefs, it shall be, and is therefore, hereby required that all three of the Chiefs signatures shall be affixed or signed to a national document or resolution of the National Council, to cause and make such documents or resolutions valid; that is, such as may be submitted by the National Council for such purpose, and any such document or resolution not having the signatures of all the Chiefs affixed or signed to it, the same shall be void and of no force.

Art. 3d. *Resolved further*, That it is hereby made the duty of the Chiefs to be present at and attend the annual National Councils, and other Councils if necessary, for the purpose of approving of and sanctioning such documents and resolutions as the National Council may submit to them for that purpose; and it is further hereby understood that not a less number than two of the Chiefs can act officially, and it is therefore required that at least two of them should be together when on duty to cause their acts to be valid.

*And it is furthermore provided*, That in case one of the Chiefs should be unable to attend a National Council or other place, as the case may be, when and where his presence was required, such Chief shall have the right to authorize, by giving a certificate to that effect, either of the other two Chiefs to sign his name to any document for him if necessary during his absence, and the same shall be as valid and lawful as if the absent Chief had been present and written his own signature.

4th. *Further Resolved*, That the Chiefs shall have the right to withhold their approval and sanction to any document or resolution, which may be laid before them by the National Council, if in their opinion their approval of such document or resolution would be improper or injurious to the welfare of the Cherokee Nation; but it shall be necessary for them to return such document or resolution to the National Council then in session, accompanied with their advice and opinion, and also their reasons for withholding their approval and sanction.

Art. 5th. *Resolved further*, That when a subject is laid before them, (the cheifs,) for their consideration, and they should disagree in opinion, a majority of the same opionion

shall rule, that is, if two of the Chiefs are of one opinion their opinion shall prevail, and equal to a decision, and which shall be the same as if all three of them had agreed in opinion, and they can proceed accordingly to approve of and sanction as the case may be.

Art. 6th. *Resolved further*, That it shall be the duty of the Chiefs to observe the laws of the Cherokee Nation, to look over its welfare and the prosperity of their people, and also to advise the National Council upon matters of National importance, and point out such subjects as they wish the National Council to act upon. But in case any of the Chiefs should so far forget the importance of his station or trust imposed upon him, as to violate the duties assigned to him, or do anything contrary to the nature of his office, such chief shall be tried for the offence committed, by a joint Council, composed of the National Committee and Council of the Cherokee Nation, and the President of the National Committee shall preside over the joint Council for the purpose of sanctioning whatever may be decided upon, but shall not be entitled to a vote while presiding over such a Council.

7th. *Resolved further*, That in case any of the Chiefs should be charged with a violation of the duties assigned to him, or of doing anything contrary to the nature of his office, and such Chief or Chiefs, are brought to trial, it shall require a vote of the same opinion, of two thirds of the said joint Council, to form a decision and confirm an impeachment; and in case an impeachment is confirmed as above specified, such Chief or Chiefs, so impeached, shall thereby forfeit the office as Chief of the Cherokee Nation, and their commission as such, be nu'l and void.

8th. *Resolved further*, That all communications of a National character, to and from this Nation and any other Nation or government, shall be received by and through the Chiefs. And any public document of the above description transmitted otherwise, shall not be considered official by the National Council.

9th. *Resolved further*, That the Chiefs shall have the authority to call a National Council on matters of National importance, if they deem it expedient, and necessary; but on common matters, they can act themselves, and it is furthermore provided, that the Chiefs can send expresses on public business at the Nation's expense, but shall be required to

give their expenses a certificate to the National Council specifying the length of time the expresses were on duty.

*Tah-lon-tee-skee, Oct. 29th*, 1835.

Approved—JOHN JOLLY, *Prin'l Chief.*

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*Resolution relative to filling the vacancies of the Office of Chiefs.*

*Resolved by the National Committee and Council, in General Council Convened.* That whereas a vacancy occurs in the first or second Chief's stations before their term is out, caused by death or by resignation, or by removal from office of either of the said Chiefs, the next chief or chiefs in rotation, as the case may be, shall be promoted to fill the vacancies thus occasioned, or if a vacancy should occur in the second Chief's station by promotion, the same regulation shall be observed; so that in all instances, where a vacancy occurs in the first or second Chief's station, the vacancy may finally fall on the third Chief's station, in order that the Chief to be elected to fill the vacancy shall come in as third Chief; and it shall not be lawful under any circumstances whatever, for a new Chief to be elected to a station, ahead of the senior Chiefs in office before their term is out; and where a vacancy occurs in the third Chief's station, by the death of the third Chief, or by any of the foregoing circumstances, before such Chief's term is out, the vacancy shall be filled by electing, as the law directs, another Chief, to that station, but shall not be elected for a longer term than to serve out the balance of the term, the vacated Chief had to serve at the time of his station becoming vacant. And also in no instance shall a Chief's term for which he was first elected, be prolonged or shortened, on account of his being promoted—in order, that all the Chief's (three in number) terms may expire at the same time.

*Tah-lon-tee-skee, Oct. 29th*, 1835.

Approved—JOHN JOLLY, *Prin'l Chief.*

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SEC. 2d. *An Act relating to the National Council and Members.*

*Resolved by the Committee and Council, in General Coun-*

*cil Convened*, That the law heretofore in force, requiring the National Council to commence annually, on the first Monday in September, be, and is hereby repealed, and in lieu thereof,

*Resolved*, That from and after this date, the annual National Council shall commence on the first Monday in October, annually, which shall be held at Tah-lon-tee-skee Council House, Cherokee Nation.

*Resolved further*, That from and after this date, each member of the National Committee and Council, and Clerks of each House, shall be and are hereby required to be present at Tah-lon-tee-skee Council House, annually, by 10 o'clock A. M., on the day set forth by law for the annual National Council to commence. And also, if the Chiefs should call a Council, and a place and time for the National Council to meet, they (the members and clerks) shall be present at the place appointed by 10 o'clock A. M., on the day set forth by the Chiefs for the Council to meet. And any member or members, or clerks of the National Council, failing to attend an annual National Council or a call Council, at the time and place as above required, shall be subject to, and forfeit a fine of five dollars each per day, for each and every day such member or members, or clerks, are absent; which fine shall be paid into the National Treasury. But in case, any such member or clerk shall be unable to attend as above required, on account of their being sick, or any of their family, or if they have any other justifiable cause or detention for non-attendance, they shall then be exempt from fine, but shall in such a case, inform the Council then in session, of their situation, otherwise the fine may stand open against them.

Approved—JOHN JOLLY, *Prin'l Chief.*

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*An Act relative to electing Presidents and Clerks of the National Council.*

*Resolved by the National Committee and Council, in General Council Convened*, That from and after this date, the National Committee and Council shall at the next annual National Council held after their election, as such members, proceed to elect a chairman or president, and a clerk to each House, each House shall act separately and elect its presiding officers, and who shall be elected from among the mem-

bers of the two Houses respectively, which presiding officers and the clerks shall not be elected for a longer term than the members then in session have to serve, requiring all their terms of services (presiding officers and clerks) to expire at the same time.

*Tah-lon-tees-kee, May 8th*, 1834.

Approved—JOHN JOLLY, *Prin'l Chief.*

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*An Act fixing the pay of the Members and Clerks of the National Council.*

*Resolved by the Committee and Council, in General Council Convened,* That from and after this date, each member of the National Committee and Council, and the presiding officers of each House, shall receive for their services two dollars per day each, for the time they serve; and the Clerks two dollars and a half per day for the time they serve; to be paid out of the National funds or annuity, and out of which amount allowed them, they shall board and lodge themselves, during the sitting of a National Council, unless otherwise provided.

*Tah-lon-tees-kee, May 9th*, 1834.

Approved—JOHN JOLLY, *Prin'l Chief.*

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*An Act relative to vacancies in the seats of absent Members of the National Council.*

*Resolved by the National Committee and Council, in General Council Convened,* That from and after this date, where a member or members of the National Committee and Council is absent, or unable to attend a Council, such member's vacancy shall remain void, until the absent member or members are able to take their seats in Council,—and such members' vacancies in the National Council, shall not be filled by other persons as heretofore been the custom.

*Tah-lon-tees-kee, Nov. 4th*, 1834.

Approved—JOHN JOLLY, } *Chiefs.*
BLACK COAT. }

*An Act prohibiting the sale of Ardent Spirits during Council.*

*Resolved by the National Committee and Council, in General Council Convened,* That from and after this date, it shall be unlawful for any person or persons, to vend ardent spirits, within five miles of the National Council House, (Tah-lon-tees-kee) during the session of the National Council; and it shall also be unlawful to vend ardent spirits within five miles of a call Council, during the session, and any person or persons, violating (this law inclusive,) shall pay a fine of five dollars, for each and every such offence; and the money arising from such fines shall be paid onto the National Treasury.

*Tah-lon-tees-kee- Sept. 19th,* 1831.

Approved—JOHN JOLLY.

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*An Act prohibiting the issuing of Due Bills on the National Funds.*

*Resolved by the National Committee and Council, in General Council Convened;* That from and after this date, it shall be unlawful, for the National Committee and Council or Chiefs, to draw and issue a due bill payable out of the National funds or annuity, for services rendered the Nation, or otherwise: and any such due bill drawn after this date shall not be valid.

*Resolved further,* That from and after this date, all debts, dues or demands, which may become due, against the Cherokee Nation, for services rendered or otherwise created, and the same admitted to be just, and passed by the National Council, shall be registered in the National register by the Clerk of the National Committee, which accounts, claims, &c., thus admitted and registered, shall be payable out of the National annuity or other National funds.

*Tah-lon-tees-kee, Dec. 3d,* 1833.

Approved—JOHN JOLLY.

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*A Resolution appointing W. Thornton Keeper of Public Papers.*

*Resolved by the National Committee and Council, in General Council Convened,* That W. Thornton, be, and he is

hereby appointed and authorized to take charge of the National papers and documents, of the Cherokee Nation; and the clerk of the Chiefs, and the clerks of the National Committee and Council shall be, and are hereby required to render to said person all the public papers and documents (Chief's papers excepted) which may be, now or hereafter, in their possession.

*Tah-lon-tees-kee, Nov. 4th*, 1834.

Approved—JOHN JOLLY.

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SECTION 3D.

*An Act relative to the duties of the Judges and Light Horse.*

*Resolved by the National Committee and Council, in General Council Convened*, That it shall be, and it is hereby made the duty of the District Judges to act upon all cases laid before them for trial and decision, by the National Light-Horse or other citizens of the Cherokee Nation, and to decide upon them agreeably to law and evidence, (that is such cases as come within their jurisdiction, and respective districts;) and it is hereby further required, that the Judges in each District shall keep an authentic and correct record of all their decisions upon cases of trial, setting forth the Nature of the case decided upon the evidence proceeded for or against it, and their final decision.

*Resolved further*, That where the District Judges are unable to form a decision upon a case, they shall have, hereby, the right to refer the parties concerned in the case to the National Council for a decision.

*Resolved further*, That it shall be the duty of the Judges to superintend the elections held according to law in their respective Districts, and to give each member elected to the National Council, and to each Judge and Light-horse, a certificate, certifying to the National Council, that such members, Judges and Light-horse were truly elected according to law, as set forth in their certificate.

*Tah-lon-tees-kee, Sept. 10th*, 1831.

Approved—JOHN JOLLY, } *Chiefs.*
BLACK COAT. }

*An Act, granting a person Convicted of Theft to make an Appeal.*

*Resolved by the National Committee and Council, in General Council Convened,* That if any person or persons should be convicted of theft, before the District Judges, and such person or persons, so convicted, believes that they have been unjustly convicted, they shall have the right to demand an appeal to the National Council for a new trial, and the Judges before whom the case was tried, are hereby required to grant such convicts an appeal;—provided the convict can make it appear to the Judges, that he, she, or they, had not at that time a fair and full trial; and in case an appeal is granted, under the foregoing circumstances, the person or persons obtaining such an appeal, shall be required to give bond for double the amount of the property alleged to have been stolen, and also to give good security for their appearance at the ensuing National Council thereafter. But in case such bond and security is not given, an appeal shall not be granted.

*Tah-lon-tee-skee, March* 21, 1831.

Approved—JOHN JOLLY.

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*An Act, fixing the pay of Judges and Light-Horse.*

*Resolved by the Committee and Council, in General Council Convened,* That the District Judges shall be allowed for their services, twenty-five dollars each per year, and the National Light-horse, forty dollars each per year, which amounts shall be paid out of the National annuity or other National funds.

*Tah-lon-tees-kee, May* 10*th*, 1834.

Approved—JOHN JOLLY.

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*An Act, relative to the duties of the National Light-Horse.*

*Resolved by the National Committee and Council, in General Council Convened,* That the National Light-horse of each District in the Cherokee Nation, shall be, and they are hereby required to be present and attend all National Coun-

ci's, provided they are able and have no duties to attend to in their Districts, during the session of the National Council, whose duty it shall be to preserve peace and good order at and about the Council, during its session.

*Resolved further*, That it shall be the duty of the National Light-horse, to suppress stealing, breaking open and burning houses, and to bring criminals and offenders of the law to justice, and to protect orphans and their property, and to execute the decisions of the Judges when required.

*Resolved further*, That it shall be the duty of the Light-horse to collect debts, or accounts; provided, such debts or accounts are disputed by the debtor, and afterwards proven by the creditor before one or more of the District Judges to be just, in which case the Light-horse can proceed to collect, and demand, ten per cent. for collection off the debtor.

*Further Resolved by the National Committee and Council, in General Council Convened*, That if the National Light-horse should have a horse to die from under them, while on duty, such horse shall be appraised by two good disinterested men, for what such horse was worth, before he died, and the owner shall be required to obtain a certificate of the amount of such appraisement, from under the hands of the appraisers, which shall be a voucher of such appraisement; and if the National Council is satisfied, that such horse did die, while on duty, the amount thereof shall be paid out of the National annuity or other National funds. But if such horse should die, while returning from off of duty, then the Nation shall be exempt from payment.

*Tah-lon-tee-skee, March* 21, 1831.

Approved—JOHN JOLLY.

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## *An Act relative to Stray Property.*

*Resolved by the Committee and Council, in General Council Convened*, That it shall be the duty of the National Light-horse, to take up all stray property, such as horses, cattle and hogs, which they may find in their respective Districts, and to put the same into good, honest, and careful hands for safe keeping, until the expiration of six months, as set forth by law, hereafter expressed, unless an owner should prove it away under the law in a shorter time.

*Further Resolved*, That such persons as have charge of stray stock, under the law, shall be allowed for their trouble of keeping it, fifty cents per week for each horse, and fifty cents per month for each head of cattle, and twenty-five cents per month for each hog, which charges are to be paid according to the time the stock is in charge, and to be paid by the owner, before taking the stock out of the hands of the keeper, which charges may be paid in trade, or cash, as the owner wishes. But in case no owner should come forward for such property, until the expiration of six months, and it should be sold as the law hereafter directs, at public auction, for the benefit of the Nation, then the keeper shall have recourse on the Nation, (Nat'l Council) for their charges, payable out of the sale money of such stock when collected; but the keeper in such case shall be required to obtain from under the hands of the Light-horse a certified account of their charges, which shall be a voucher to the National Council for the true amount due for keeping.

*Resolved further*, That it shall be the duty of the National Light-horse, after taking up and putting in care stray stock, as herein before required, to advertise such stock for six months at two or more public places in their respective Districts, setting forth in the advertisement, the kind of stock, and giving a full description of it, and notifying also in the advertisement, that the owner must come forward and prove and pay charges, and take it away, otherwise, at the expiration of six months, from the date of the advertisement, such stock will be sold at public auction, for the benefit of the Cherokee Nation.

*Furthermore*, The Light-horse advertising such property, are hereby required to transmit a copy of the same to the Light-horse in each of the other districts, whose duty shall be to advertise the same also for six months, in their respective Districts, and likewise a copy of the advertisement must be recorded in the District Judge's office, where the property was taken up, and another copy must be transmitted to the United States Agent.

*Resolved further*, That the National Light-horse shall be entitled to, for taking up and advertising stray stock, as the law directs fifty cents per head for cattle, and one dollar per head for horses, and twenty-five cents per head for hogs, to be paid by the owner, or the Nation, as the case may be.

*Resolved further*, That if any person or persons, should assume a claim to stray property, which is taken up and advertised as the law requires, before the expiration of six months, as set forth in the advertisement, and the said claimant proves before the District Judges to the satisfaction of the Lighthorse, who took up and advertised the property, that the property advertised is their property, (claimants) then the National Light-horse shall put such claimant in possession of the property proven, after the charges for keeping and advertising have been satisfied.

*Resolved further*, That all stray property, such as horses, cattle and hogs, which is and may be taken up and advertised under the law, and no owner, for such stock appearing until the expiration of six months, as set forth in the advertisement; all such stock so advertised shall be immediately sold by the National Light-horse at public auction, to the highest bidder, on a credit of twelve months, for the benefit of the Nation. And the Light-horse who sell such property under the law, shall cause the purchaser to execute a bond for double the amount of the purchase money, and also to give good security for the sure payment of the same when due, which bonds shall be in such cases, drawn payable to the National Council for the benefit of the Cherokee Nation. And all purchasers of such property, under the law, shall be, and are hereby bound to keep such property, so purchased twelve months from the time of purchasing it under the law; and in case an owner should come within the said time, (12 months) and prove as before stated to the satisfaction of the Lighthorse, that such property so sold was his or their's; then the Lighthorse, shall put the claimant in possession of the property after all charges according to law, have been satisfied—likewise if an owner should prove such property to be his or their's, after the twelve months run out, then such claimant shall be entitled to four fifths of the money which it sold for under the law.

*Tah-lon-tees-kee, March* 24, 1831.

Approved—JOHN JOLLY.

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*Resolution respecting the Light-Horse to defend themselves.*

*Resolved by the National Committee and Council, in General Council Convened*, That if any person or persons, should

raise a weapon against one or more of the National Light-horse while in the exercise of their duty, they shall be, and are hereby made justifiable in such case to defend themselves; and if any one or more of the Light-horse should kill such person or persons, so raising a weapon, he or they (the Light-horse) shall not be accounted guilty of murder.

*Tah-lon-tee-ske, March 24, 1831.*

Approved—JOHN JOLLY.

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*An Act authorizing the Light Horse to summons assistance.*

*Resolved by the Committee and Council, in General Council Convened,* That where any of the National Light Hose are unable to bring criminals or other persons to justice, they shall be, and are hereby empowered to summons one or two persons and not more to assist them in executing their duties; and the person or persons so summoned shall be entitled to one dollar per day while in service, payable out of the National funds. And the Light Horse shall be, and they are hereby required to give each person so summoned, a certificate to the National Council specifying the time such persons were in service and the amount due. And in case the Light Horse should summons any person or persons to assist them in their duties, and if such person or persons so summoned should refuse to serve, he or they so refusing, shall forfeit and pay a fine of five dollars each for the benefit of the Cherokee Nation.

*Tah-lon-tee-ske, Sept. 19th, 1831.*

Approved—JOHN JOLLY, *Princ'l Chief.*

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*An Act respecting Election.*

*Resolved by the Committee and Council, in General Council Convened,* That from and after this date, the members of the National Committee and Council, and the Officers (Judges and Light Horse,) of the Cherokee Nation, shall be elected by a vote of the people, given in at their respective precincts in each District, and for which purpose it is hereby

*Further Resolved,* That the people of the Cherokee Nation

shall meet at their respective precincts in each District once in two years, on the second Monday in July, and proceed to elect by vote, two members of the National Committee and two members of the National Council, which members shall be elected to serve two years from the date of their election; and there shall be also elected at the same time and place two District Judges and two National Light Horse to serve two years from the date of their election, whose duties shall be to serve in their respective Districts as set forth by law.

*Resolved further*, That the elections held in each District for the above specified purpose shall be Superintended by the Judges of the same District, and each candidate for the above named offices shall make known to the Judges superintending the election which office they design running for; and it shall be the duty of the Judges to have this distinctly understood by the people before voting, after which they can proceed to vote one at a time by calling the names of such candidates which they judge are the best qualified to fill the office running for, and after all the people present have voted, the Judges shall count out publicly the number of votes given to each one of the candidates took up for the same office, and make it known to the people present which candidate obtains the highest number of votes for such office, and such candidates as have thereby gained the highest numbers of votes for the different offices shall thereby be considered duly and lawfully elected to the respective offices for which they were candidates and run for. And it shall be the duty of Judges as before required under section third to give each member thus elected to the National Committee and Council, Judges and Light Horse, a certificate of their election, which shall be their voucher to the National Council of such members Judges and Light Horse having been duly elected according to law.

*Resolved further*, That all elections under the law as herein above specified for the purpose of electing members to the National Committee and Council, Judges and Light horse shall be, and are hereby required to be held at the following named places in each District; that is the precinct or place for holding elections under law to be in Lees Creek District, shall be at the present residence of Little Charles, on Skin Bayou, that in Salisaw District at Fox's residence on Salisaw Creek; that in Illinois District at the National Council House (Tah-

lon-tee-skee,) and that in Neosho District at John Drew's residence on Bayou Menard

*Tah-lon-tees kee, May 10th,* 1831.

Approved—JOHN JOLLY, *Princ'l Chief.*

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SECTION 5TH.

*An Act relative to Estates and Administrators.*

1st. *Resolved by the National Committee and Council, in General Council Convened,* That where a citizen of the Cherokee Nation dies, and previous to his death, and while possessed of his natural reason and senses, he or they should make or cause to be made, their written will for the disposition of their property after death, or if they should make verbal, all such wills either written or verbal, and the same attested by two or more good witnesses, shall be valid and binding in law to all intents and purposes, unless the law directs otherwise.

2nd. *Resolved further,* That if a person should in their will name and appoint a person or persons to administer on the Estate, or they should appoint an executor or executors to their will, such person or persons so appointed, shall be the proper and legal administrator of such an Estate, or executors to their will, such person or persons so appointed shall be the proper and legal administrator of such an Estate, or executors of the will thus assigned to them, provided such person or persons so appointed are natives of the Cherokee Nation.

3d. *Resolved further,* That no will on the Estate of a deceased person shall be exempt from the payment and satisfying of all just debts and demands against it, (or the Estate) and any such will or other disposition of an Estate, and not having in it this provision, (payment of all just debts and demands) shall not be valid until it shall have first conformed to this and other regulations of the law.

4th. *Further Resolved,* That all wills either written or verbal on the Estates of deceased persons, and also all administrators or executors therein named and appointed as such, shall be inclusive subject to the law regulating Estates and Wills of deceased persons.

5th. *Resolved further*, That all Estates of deceased persons after satisfying all just debts and demands against them, the balance of such Estates shall be equally divided between the heirs of the deceased, unless otherwise directed by a Will of the deceased person, to whom the estate belonged.

6th. *Resolved further*, And it is hereby furthermore provided, that where a man and woman are living together as man and wife, and either of them should die without a Will, and having no heir or heirs, half of the estate of the deceased, shall belong to the survivor, and the other half to the nearest relatives of the deceased; and at if length, the survivor should die heiress, and without making a will, their estate shall also belong to their nearest relatives.

7th. *Further Resolved*, That all persons, whomsoever, that are, and may be appointed by law, or otherwise chosen to administer on the estates of deceased persons, or as Executors to Wills shall be, and are hereby required to render in, before the Judges of the District, where such an Estate, thus in their charge belongs, a just and correct Schedule of all the property belonging to the Estate, they have thereby the charge of, and the Judges shall estimate the value thereof, and retain the Schedule of property in their Office, and in addition to this, such Administrators, or Executors shall be, and are hereby required to execute a bond in the presence of the Judges for double the amount of the Estate according to the Schedule rendered in, and moreover, to give good security, deemed so by the Judges, for their faithful performance, and just management of the Estate in their charge. And all such bonds, shall be drawn payable to the Chiefs of the Cherokee Nation, for the benefit of the heirs of the Estate for which the bond was given; which bond and the obligations of the securities attached thereto, shall be retained in the Judge's Office, until complied with as the law requires, and according to promise.

8th. *Further Resolved*, That when a person dies without making a Will of the property, it shall be, and it is hereby annexed to, and made the duty of the Judges of the same District where such an Estate lies, to appoint one or two suitable persons to administer on and take charge of such Estate, but shall require such person or persons so appointed to render in a Schedule of all the property belonging to the Estate, and to give bond and good security as the law requires.

9th. *Further Resolved*, That where the Estate of a deceased person consists of horses, cattle, and hogs, and an Executor or Administrator is appointed by or according to law, to take charge of such estate, the Administrator or Executor, shall be and are hereby allowed for his trouble with the stock, one third of all the increase (original stock excepted) of horses and cattle, belonging to the Estate, and if there be any hogs, they shall be disposed of for the benefit of the heirs of the Estate.

10th. *Further Resolved*, That it is herein provided, that where a person dies, and their estate is in debt, the dwelling houses, and other buildings belonging to the place, and household furniture, the plantation, farming tools and geering, shall all be exempted from sale, and shall not be used to satisfy debts against the estates, but shall be reserved in all instances whatever, for the use of the survivor and heirs of the Estate. All laws to the contrary notwithstanding.

*Tah-lon-tee-ke, May 10th*, 1834.

Approved—JOHN JOLLY.

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SECTION 6TH.

*An Act for the punishment of criminal offences.*

*Resolved by the National Committee and Council in General Council Convened*, That where a part of the penalty under the law for a crime is punishment by whipping, such punishment shall be inflicted by the Light Horse, and the number of stripes or lashes to be received by criminals shall be from twenty-five to sixty, neither more nor less, but to be regulated as the Judges may decide according to the magnitude of the crime committed.

*Resolved further*, That whosoever shall be guilty of theft, robbery, breaking open or burning houses, or of committing a rape upon a female, shall be tried before the Judges of the District where the offence was committed, and if convicted of for either of the above offences by good evidence, such person or persons so convicted, shall suffer the penalty of the law by receiving as many lashes on the bare back as the Judge may decide, and also such convicts shall make whole the property

destroyed or damages done the injured person, or if for theft, the property stolen shall be returned to the person from whom it was taken.

*Tah-lon-tees-kee, March* 21, 1831.

Approved—JOHN JOLLY.

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*An Act prohibiting the cutting down of Pecan trees and setting the woods on fire.*

*Resolved by the Committee and Council, in General Council Convened,* That from and after this date it shall be unlawful for any person or persons to cut down or fell a pecan tree or trees barely for the purpose of obtaining the pecans on such trees; and any person or persons violating this law shall be tried before the Judges of the District where the offence was committed, and if convicted, he, she or they so convicted shall pay for each and every such offence five dollars, one half to be paid to the informer and the other half to the Light Horse arrigning such offenders to trial.

And it shall also be unlawful for any person or persons to set the woods on fire within the limits of the Cherokee Nation before the first of March in each year, from and after this date, and any person violating this law shall be tried before the Judges of the District where the offence was committed, and if convicted they shall pay a fine of five dollars for each and every offence, and pay for all damages done by the fire so set out, one half of the fine to belong to the informer and the other half to the Light Horse.

And the National Light Horse of each District shall have cognizance of each of the above offences.

*Tah-lon-tees-kee, March* 22, 1831.

Approved—JOHN JOLLY.

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*An Act prohibiting the sale of Land, &c.*

*Resolved by the National Committee and Council in General Council Convened,* That if any person or persons should sell or bargain the land of the Cherokee Nation, or any part there-

of, to a different Nation, or to any person or persons without proper authority from the National Council, and the same approved of by the Chiefs of the Cherokee Nation, they (the offenders,) shall be tried for each and every such offence before the National Council, and if convicted by good evidence, such offender or offenders shall suffer death; but if detected before they have actually sold the land, then the punishment shall be one hundred lashes on the bare back, to be inflicted by the National Light-horse. All laws to the contrary notwithstanding.

*Resolved further*, That if any person or persons should endeavor to cause the lands of the Cherokee Nation to be laid off into sections, or to make divisions in it, or meddle themselves in such way, or in any manner, whatever, with the land, without proper authority from the National Council, and the same approved of by the Chiefs of the Cherokee Nation, such person or persons, shall, on conviction, before the National Council, receive one hundred lashes on the bare back, to be inflicted by the National Light-horse. All laws to the contrary notwithstanding.

*Toh-lon-tees-kee, March 23d*, 1831.

Approved—JOHN JOLLY.

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## *An Act imposing a Fine for Harboring unruly White Men.*

*Resolved by the National Committee and Council, in General Council Convened*, That if any person or persons, should from and after this date, harbor a citizen or citizens of the United States, about their house or other place in the Nation, who have been turned out of the Nation for a crime or misbehaviour committed in it, and such fact should be proven, before any of the Judges, that such person or persons, (natives) are or have been harboring such people of the said description and character, he, she or they, (the offenders) shall pay for each and every such offence, one hundred dollars, for the benefit of the Cherokee Nation; which amount may be collected by the National Light-horse in any kind of property, to be valued by the Judges before whom the case was tried; which property, so valued, and taken, shall be sold by the National Light-horse to the highest bidder, at public

auction, on a twelve months' credit, the purchaser to give bond and give good security, for the sure payment, drawn payable to the Chiefs of the Cherokee Nation, for the benefit of the Nation.

*Tah-lon-tees-kee, Dec. 24,* 1833.

Approved—JOHN JOLLY.

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*An Act relative to Breach of Marriage.*

*Resolved by the National Committee and Council, in General Council Convened,* That it shall be unlawful for a white man, (citizen of the United States) living in the Nation, to have more than one wife; neither shall he make use of the woman's (his wife) property without her consent.

*Furthermore,* If a whiteman should leave his wife, without a just cause, such white man shall be tried for such act, before the Judges, and if convicted, he shall pay the woman left, for all damages done her for breach of marriage and for deceiving her. The amount of damages to be decided by the Judges.

*Piney, Sept. 24,* 1824.

Approved—JOHN JOLLY, BLACK COAT. } *Chiefs.*

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*An Act prohibiting White Men Cutting Timber.*

*Resolved by the National Committee and Council, in General Council Convened;* That from and after this date, it shall be unlawful for any person or persons, living in the Nation, to authorize a white man or men, in any shape or manner whatever, to cut lumber or timber upon the lands of the Cherokee Nation, for the use of a white man or men, living out of the Nation. And any person or persons living in the Cherokee Nation, violating this law, shall, on being convicted for such offence, before the Judges of the District where the offence was committed, pay a fine of fifty dollars for each and every such offence, for the benefit of the Nation; or if any person or persons, living in the Nation, should hire to

cut lumber or timber, on the lands of the Nation, for the use of a white man or men, living out of the Nation, they shall pay a fine of fifty dollars. Citizens of the Nation are not prevented by this law, from cutting Cord-wood for Steamboats.

*Tah-lon-tees-kee, March* 23, 1831.

Approved—JOHN JOLLY.

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SECTION 7TH.

*An Act of Oblivion between the Seven Clans, &c.*

*Resolved by the National Committee and Council, in General Council Convened,* That all lives taken, for which the different clans of the Cherokee people (7 clans) are indebted to each other for lives taken previous to this date, shall be, and are hereby forgiven; and all such claims for life taken as above stated, heretofore existing between the said different Clans, and up to the present time, shall cease to exist, and be forever forgotten, and suffered to pass out of remembrance.

*Piney, Sept.* 24*th,* 1824.

WALTER WEBBER, *Chairman.*

Approved—JOHN JOLLY.

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*An Act Relative to Casual Deaths.*

*Resolved by the National Committee and Council, in General Council Convened,* That hereafter if it should so happen, that one or more persons should accidently, and without malice or revenge, kill or cause the death of one or more persons, the case shall be tried before the Judges of the District where the circumstances took place, or by the National Council, and if it should be proven satisfactory, before either of the said authorities, that the cause of such person or persons' deaths was by accident, and without malice or revenge, the person or persons arraigned to trial, and thus cleared of being guilty of murder shall be acquitted and set at liberty.

*Piney, Sept.* 24*th,* 1824.

Approved—JOHN JOLLY, *Prin'l Chief.*

SECTION 8TH.

## GENERAL LAWS.

### *An Act Confirming former Decisions.*

*Resolved by the National Committee and Council in General Council Convened,* That from and after this date, all decisions of the Committee and Council or Light-horse companies, or Chiefs in Council, shall be final and conclusive; And the Committee and Council, Judges and Light-horse companies, shall have no cognizance of such cases that have transpired previous to this date, under the then existing laws and customs of the Cherokees. This law shall not be so construed, as so prevent the investigation of any due bills that may have been illegally issued by the National authorities.

*Tah-lon-tees-kee March 23d,* 1831.

Approved—JOHN JOLLY.

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### *An Act defining Lawful Fences.*

*Resolved by the National Committee and Council, in General Council Convened,* That all persons having farms or other enclosures within the limits of the Cherokee Nation, are hereby required to have a fence of nine good rails high, and the cracks in the fence within the space of two feet from the ground up, not to exceed four inches in width. And all fences filling this description, shall be considered lawful fences, and all as falls short of it, shall be without the law's protection. And should stock of any kind break into or over a lawful fence, the damages shall be estimated by two good disinterested men; and the owner of such stock shall pay the person injured, the amount of such estimation of damages, and the person injured must notify the owner of the stock to come and take it away.

*Resolved further,* That if stock of any kind (horses, cattle, and hogs) should break into or over an unlawful fence, and the owner of the fence should kill or cause to be killed, or injure such stock, he, she or they, shall be accountable to the owner of the stock for all damages done it.

*Tah-lon-tees-kee, March 23d,* 1831.

Approved—JOHN JOLLY.

## *An Act prohibiting Negro Slaves to own Property.*

*Resolved by the National Committee and Council, in General Council Convened,* That after the expiration of six months from and after this date, no slave or slaves in the Cherokee Nation, shall have the right or privilege to own any kind of property whatever. And therefore, all slaves in the Cherokee Nation, now owning any kind of property, are hereby required to sell or dispose of it previous to the expiration of said six months. And if any slave or slaves now holding property, and failing to comply with this law, by not selling it off by the above named time, shall thereby forfeit their property to their owners, and the National Light-horse are hereby required to enforce and carry into effect this law in their respective Districts.

*Resolved further,* That if a slave or slaves are caught gambling or intoxicated, or if they should in any way abuse a free person, he, she or they, (negroes) shall for either of the above offences, receive sixty lashes on the bare back for each and every such offence, to be inflicted by the Light-horse.

*Tah-lan-tees-kee, Dec. 3d,* 1833.

Appproved—JOHN JOLLY, BLACK COAT, W. WEBBER. } *Chiefs.*

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## *An Act relative to abandoned Improvements.*

*Resolved by the Committee and Council, in General Council Convened,* That from and after this date, all improvements within the Cherokee Nation, such as fencing, cleared lands, and buildings of any description, and which have been made or caused to be made, or improved by United States license traders, or by white intruders, shall, when abandoned, or intruders removed therefrom, revert to the Cherokee Nation.

*Resolved further,* that it is hereby enjoined as a duty upon the Judges of the same District where such improvements may be, to make sale of them as herein stated; that is, the Judges as above stated shall repair to the place where such improvements are and take a minute description of them and

publish the same for four or six months, at two or more public places in the Nation, notifying in the advertisement that at the expiration of such time the improvements or buildings as the case may be, thus advertised, will be sold to the highest bidder, at public auction on a twelve month's credit, and that the purchaser will be required to give bond and good security for the sure payment of the purchase money. Accordingly, at the expiration of said time (four or six months) the Judges shall repair to the improvement advertised, or to a more suitable place, and make sale of it as mentioned in the advertisement, and procure from the purchaser a bond for double the amount of the purchase money, with approved security attached thereto, which bond shall be drawn payable in twelve months from the date of purchase, and made payable to the National Council or Chiefs for the benefit of the Nation; and at the next ensuing National Council thereafter, all such bonds shall be handed in to the National Council. And after such sale has been effected the Judges and Light-Horse will see that the purchaser under the law gets peaceable possession of the improvement purchased.

*Resolved further*, That all improvements or buildings which may revert to the Nation by the foregoing resolution, from and after this date shall not be taken possession of or meddled with by any person or persons in any way whatever, unless they shall have first obtained a right by purchase under the law, and if any person or persons should disregard this law and proceed to a violation, he, she or they shall be subject to and forfeit a fine at the discretion of the National Council.

*Tah-lon-tee-skee, March 2d*, 1831.

Approved—JOHN JOLLY, *Prin't Chief.*

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*An Act authorizing the Chiefs to receive Public Monies.*

*Resolved by the Committee and Council, in General Council Convened*, That from and after this date, all the annuities which may become due from the United States shall be paid over to the Chiefs, who shall be, and they are hereby authorized to receive and receipt for the same for and in behalf of the Nation, which money shall be kept safely in their hands

until the National Council shall, by law, regulate its disposal.

*Tah-lon-tees-kee, October* 25, 1834.

Approved—JOHN JOLLY.

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*An Act prohibiting citizens of the United States keeping Public Tables.*

*Resolved by the Committee and Council, in General Council Convened,* That from and after this date, no other than citizens of the Cherokee Nation shall keep a tavern or public table at a Council or public gathering in the Nation, (fruit, flour and Bacon not prohibited from being brought in for sale;) and person or persons not citizens of the Nation, violating this law shall forfeit and pay the Nation one hundred dollars, to be collected forthwith, by the National Light-Horse.

*Tah-lon-tees-kee, Nov.* 14, 1835.

Approved—JOHN JOLLY.

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*An Act relative to Public Blacksmith Shops.*

*Resolved by the National Committee and Council, in General Council Convened,* That two persons in each District be and are hereby appointed to superintend the public blacksmith in their respective Districts.

*Resolved further,* That the two Committee members of each District be, and they are hereby appointed and authorized to superintend the said Smiths in their respective Districts, whose duty shall be to see that the said Smiths do all they are required to do under their instruction from the Agent. The Committee members of each District to be furnished with a copy of said instructions.

*Resolved further,* That in case any of the Blacksmiths should fail to do their duty, per instructions of the Agent, and the superintendents think it necessary, they can report such Smith to the Agent for a further investigation of the case, which Smith shall be required to do his duty or remove as the Agent may decide.

*Tah-lon-tees-kee, Oct. 26th,* 1835.

Approved—JOHN JOLLY, *Prin'l Chief.*

### *An Act relative to the School Fund, (Treaty 1828.)*

*Resolved by the Committee and Council, in General Council Convened,* That the balance of the school fund now due, and which may be due this Nation from the United States Government and treaty 6th May, 1828, shall be and is hereby equally proportioned between the four Districts of this Nation, (the balance of division to be governed by former resolution on this fund passed March 27th, 1833.)

*Resolved further,* That each District shall, by and under this resolution, have the entire management of their respective portion of said fund to do and act with it as may seem best for promoting the object and design for which said fund was appropriated.

*Resolved further,* That all resolutions passed by the National Council in March 27th, 1833, militating against the herein foregoing resolutions, shall, from and after this date, cease to be in force, and are hereby made null and void, (the payment at Dr. Palmer's station per resolution March 27th, 1833, not prevented up to this date.)

*Tah-lon-tees-kee, Oct. 27th,* 1835.

Approved—JOHN JOLLY, *Prin'l Chief.*

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### *An Act relative to Salines.*

*Resolved by the National Committee and Council, in General Council Convened,* That all Salines within the limits of the Cherokee Nation are the property of the Cherokee Nation.

*Resolved further,* That no person or persons shall have the right to work a Saline in the Nation without obtaining a lease for such purpose from the National Council.

*Resolved further,* That the former laws regulating the Salines of the Nation, (1829) shall be and are hereby repealed from and after this date.

*Resolved further,* That after the present leases on Salines are out, all such Salines shall be leased out to the highest bidder, and such bidders shall be entitled to leases on such Salines as bid for by giving their bond with approved security. The rents to be paid in cash annually, and no lease on a Sa-

line shall be given for a longer term than five years at a time.

*Resolved further*, That all persons getting leases on Salines as above stated, shall furnish their own metal and other preparations necessary for such purpose, (salt kettles, furnace, shed, troughs, salt house and the like are here meant,) and when their lease runs out such preparation and the kettles shall revert to the Nation.

*Resolved further*, That where a bond is taken for the rent of a Saline, it shall be drawn for double the amount of the annual rent, and made payable to the Chiefs for the benefit of the Nation. As in case any person or persons having such a lease, and if he or they should fail to pay the rent annually such person or persons so failing shall forfeit and pay the Nation the amount of their bond. And in case they should violate the law on Salines, or any part of such regulations as are herein mentioned, they shall forfeit their leases and likewise their metal and other preparations mentioned in the foregoing article.

*Resolved further*, That no others but citizens of the Nation shall have the right to lease or rent a Saline lying within the limits of the Nation, neither shall it be lawful for a citizen of the United States to be taken into partnership, or be sharers in a Saline in any way whatever.

*Further Resolved*, That all the salt now due and which may be due the Nation for the present leases on Salines, shall be and is hereby valued at fifty cents per bushel, (50 lbs.,) the salt that is to be issued to individuals excepted, and such persons as now have leases shall have the right to pay the Nation cash at the above rates annually instead of salt.

*Tah-lon-tee-sker, Dec. 6th*, 1833.

Approved—JOHN JOLLY.

———o:o———

*The first law established among the Cherokees on Arkansas, and entered by request of the old Chief, John Jolly.*

*Resolved*, That there be and is hereby appointed a Light-Horse company whose duty shall be to preserve peace and good order among the Cherokees on Arkansas, to suppress stealing, and punish such as may be caught in such an act.

*Resolved further*, That the Light-Horse company shall not

have any thing to do with a case for stealing which has been committed previous to this date, neither shall it be lawful for any Light-Horse company hereafter appointed, or Chiefs to have any cognizance of such cases, (stealing) if committed previ to this date.

*Dardenelle Rock*, 1820.

JOHN JOLLY, *Prin'l Chief.*

Walter Webber, Black Fox, Spring Frog, Too-cho-wuh, and others, Chiefs, Headmen and Warriors of the Cherokee Nation.

THE

# CONSTITUTION AND LAWS

OF THE

# CHEROKEE NATION:

PASSED AT

## TAHLEQUAH, CHEROKEE NATION,

## 1839--51.

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TAHLEQUAH, CHEROKEE NATION:

1852.

# ACT OF UNION

BETWEEN

# THE EASTERN AND WESTERN CHEROKEES.

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WHEREAS our Fathers have existed, as a separate and distinct Nation, in the possession and exercise of the essential and appropriate attributes of sovereignty, from a period extending into antiquity, beyond the records and memory of man: AND WHEREAS these attributes, with the rights and franchises which they involve, remain still in full force and virtue, as do also the national and social relations of the Cherokee people to each other and to the body politic, excepting in those particulars which have grown out of the provisions of the treaties of 1817 and 1819 between the United States and the Cherokee Nation, under which a portion of our people removed to this country and became a separate community: But the force of circumstances having recently compelled the body of the Eastern Cherokees to remove to this country, thus bringing together again the two branches of the ancient Cherokee family, it has become essential to the general welfare that a union should be formed, and a system of government matured, adapted to their present condition, and providing equally for the protection of each individual in the enjoyment of all his rights:

Therefore we, the people composing the Eastern and Western Cherokee Nation, in National Convention assembled, by virtue of our original and unalienable rights, do hereby solemnly and mutually agree to form ourselves into one body politic, under the style and title of the Cherokee Nation.

In view of the union now formed, and for the purpose of making satisfactory adjustments of all unsettled business which may have arisen before the consummation of this union, we agree that such business shall be settled according to the provisions of the respective laws under which it origin-

ated, and the Courts of the Cherokee Nation shall be governed in their decisions accordingly. Also, that the delegation authorized by the Eastern Cherokees to make arrangements with Major General Scott for their removal to this country shall continue in charge of that business, with their present powers, until it shall be finally closed. And also that all rights and title to public Cherokee lands on the east or west of the river Mississippi, with all other public interests which may have vested in either branch of the Cherokee family, whether inherited from our Fathers or derived from any other source, shall henceforward vest entire and unimpaired in the Cherokee Nation, as constituted by this union.

Given under our hands, at Illinois Camp-ground, this 12th day of July, 1839.

By order of the National Convention:

GEORGE LOWREY,
*President of the Eastern Cherokees.*
GEORGE GUESS, his x mark,
*President of the Western Cherokees.*

EASTERN CHEROKEES.

R. TAYLOR, V. P.,
JAMES BROWN, V. P.,
TE-KE-CHU-LAS-KEE, V. P.,
GEORGE HICKS,
JOHN BENGE,
THOMAS FOREMAN,
ARCHIBALD CAMPBELL,
JESSE BUSHYHEAD,
LEWIS ROSS,
EDWARD GUNTER,
TE-NAH-LA-WE-STAH,
STEPHEN FOREMAN,
DANIEL McCOY.

By order of the National Convention.

JNO ROSS,
*Principal Chief Eastern Cherokees.*
GOING SNAKE,
*Speaker of Council.*

WESTERN CHEROKEES.

TOBACCO WILL, V. P.,
DAVID MELTON, V. P.,
JOHN DREW, V. P.,
GEORGE BREWER,
THOMAS CANDY,
MOSES PARRIS,
JAMES CAMPBELL,
LOONEY RILEY,
CHARLES GOURD,
LEWIS MELTON,
YOUNG WOLF,
CHARLES COODEY,
AH-STO-LA-TA,
JACK SPEARS,
LOONEY PRICE.

By order of the Nat'l Conven.
AUGUST 23, 1839.

JOHN LOONEY, his x mark.
*Acting Principal Chief Western Cherokees.*

The foregoing instrument was read, considered, and approved by us this 23d day of August, 1839:

Aaron Price, Major Pullum, Young Elders, Deer Track, Young Puppy, Turtle Fields, July, The Eagle, The Crying Buffalo, and a great number of respectable Old Settlers and late Emigrants, too numerous to be copied.

# CONSTITUTION

OF

# THE CHEROKEE NATION.

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The Eastern and Western Cherokees having again re-united, and become one body politic, under the style and title of the Cherokee Nation: Therefore,

We, the people of the Cherokee Nation, in National Convention assembled, in order to establish justice, insure tranquility, promote the common welfare, and to secure to ourselves and our posterity the blessings of freedom—acknowledging, with humility and gratitude, the goodness of the Sovereign Ruler of the Universe in permitting us so to do, and imploring His aid and guidance in its accomplishment—do ordain and establish this Constitution for the government of the Cherokee Nation.

## Article I.

Sec. 1. The boundary of the Cherokee Nation shall be that described in the treaty of 1833 between the United States and Western Cherokees, subject to such extension as may be made in the adjustment of the unfinished business with the United States.

Sec. 2. The lands of the Cherokee Nation shall remain common property; but the improvements made thereon, and in the possession of the citizens of the Nation, are the exclusive and indefeasible property of the citizens respectively who made, or may rightfully be in possession of them: *Provided*, That the citizens of the Nation possessing exclusive and indefeasible right to their improvements, as expressed in this article, shall possess no right or power to dispose of their improvements, in any manner whatever, to the United States, individual States, or to individual citizens thereof; and that, whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other Government, all his rights and privileges as a citizen of this Nation shall cease: *Provided, nevertheless*, That the National

Council shall have power to re-admit, by law, to all the rights of citizenship, any such person or persons who may, at any time, desire to return to the Nation, on memorializing the National Council for such readmission.

Moreover, the National Council shall have power to adopt such laws and regulations as its wisdom may deem expedient and proper to prevent citizens from monopolizing improvements with the view of speculation.

## Article II.

Sec. 1. The power of this Government shall be divided into three distinct departments—the Legislative, the Executive, and the Judicial.

Sec. 2. No person or persons belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except in the cases hereinafter expressly directed or permitted.

## Article III.

Sec. 1. The Legislative power shall be vested in two distinct branches—a National Committee, and Council; and the style of their acts shall be—*Be it enacted by the National Council.*

Sec. 2. The National Council shall make provision, by law, for laying off the Cherokee Nation into eight Districts; and if subsequently it should be deemed expedient, one or two may be added thereto.

Sec. 3. The National Committee shall consist of two members from each District, and the Council shall consist of three members from each District, to be chosen by the qualified electors in their respective Districts for two years; the elections to be held in the respective Districts every two years, at such times and places as may be directed by law.

The National Council shall, after the present year, be held annually, to be convened on the first Monday in October, at such place as may be designated by the National Council, or, in case of emergency, by the Principal Chief.

Sec. 4. Before the Districts shall be laid off, any election which may take place shall be by general vote of the electors throughout the Nation for all officers to be elected.

The first election for all the officers of the Government—Chiefs, Executive Council, members of the National Council, Judges and Sheriffs—shall be held at Tah-le-quah before the rising of this Convention; and the term of service of all officers elected previous to the first Monday in October, 1839, shall be extended to embrace, in addition to the regular constitutional term, the time intervening from their election to the first Monday in October, 1839.

Sec. 5. No person shall be eligible to a seat in the National Council but a free Cherokee male citizen who shall have attained to the age of twenty-five years.

The descendants of Cherokee men by all free women except the African race, whose parents may have been living together as man and wife, according to the customs and laws of this Nation, shall be entitled to all the rights and privileges of this Nation, as well as the posterity of Cherokee women by all free men. No person who is of negro or mulatto parentage, either by the father or mother's side, shall be eligible to hold any office of profit, honor, or trust under this Government.

Sec. 6. The electors and members of the National Council shall in all cases, except those of treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and at the National Council, in going to and returning.

Sec. 7. In all elections by the people, the electors shall vote *viva voce*.

All free male citizens, who shall have attained to the age of eighteen years shall be equally entitled to vote at all public elections.

Sec. 8. Each branch of the National Council shall judge of the qualifications and returns of its own members; and determine the rules of its proceedings; punish a member for disorderly behaviour, and, with the concurrence of two thirds, expel a member; but not a second time for the same offence.

Sec. 9. Each branch of the National Council, when assembled,* shall choose its own officers; a majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalty as each branch may prescribe.

Sec. 10. The members of the National Council, shall each

receive from the public Treasury a compensation for their services which shall be three dollars per day during their attendance at the National Council; and the members of the Council shall each receive three dollars per day for their services during their attendance at the National Council, provided that the same may be increased or diminished by law, but no alteration shall take effect during the period of service of the members of the National Council by whom such alteration may have been made.

Sec. 11. The National Council shall regulate by law by whom and in what manner, writs of elections shall be issued to fill the vacancies which may happen in either branch thereof.

Sec. 12. Each member of the National Council, before he takes his seat, shall take the following oath, or affirmation: I, A. B. do solemnly swear (or affirm, as the case may be,) that I have not obtained my election by bribery, treats, or any undue and unlawful means used by myself or others by my desire or approbation for that purpose; that I consider myself constitutionally qualified as a member of ——, and that on all questions and measures which may come before me I will so give my vote and so conduct myself as in my judgment shall appear most conducive to the interest and prosperity of this Nation, and that I will bear true faith and allegiance to the same, and to the utmost of my ability and power observe, conform to, support and defend the Constitution thereof.

Sec. 13. No person who may be convicted of felony shall be eligible to any office or appointment of honor, profit, or trust within this Nation.

Sec. 14. The National Council shall have power to make all laws and regulations which they shall deem necessary and proper for the good of the Nation, which shall not be contrary to this Constitution.

Sec. 15. It shall be the duty of the National Council to pass such laws as may be necessary and proper to decide differences by arbitration, to be appointed by the parties, who may choose that summary mode of adjustment.

Sec. 16. No power of suspending the laws of this Nation shall be exercised, unless by the National Council or its authority.

Sec. 17. No retrospective law, nor any law impairing the obligation of contracts, shall be passed.

SEC. 18. The National Council shall have power to make laws for laying and collecting taxes, for the purpose of raising a revenue.

SEC. 19. All bills making appropriations shall originate in the National Committee, but the Council may propose amendments or reject the same; all other bills may originate in either branch, subject to the concurrence or rejection of the other.

SEC. 20. All acknowledged treaties shall be the supreme law of the land, and the National Council shall have the sole power of deciding on the construction of all treaty stipulations.

SEC. 21. The Council shall have the sole power of impeaching. All impeachments shall be tried by the National Committee. When setting for that purpose the member shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 22. The Principal Chief, assistant Principal Chief, and all civil officers shall be liable to impeachment for misdemeanor in office; but judgement in such cases shall not extend further than removal from office and disqualification to hold and office of honor, trust, or profit under the Government of this Nation.

The party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgement and punishment according to law.

## ARTICLE IV.

SEC. 1. The Supreme Executive Power of this Nation shall be vested in a Principal Chief, who shall be styled the Principal Chief of the Cherokee Nation.

The Principal Chief shall hold his office for the term of four years; and shall be elected by the qualified electors on the same day and at the places where they shall respectively vote for members to the National Council.

The returns of the election for Principal Chief shall be sealed up and directed to the President of the National Committee, who shall open and publish them in the presence of the National Council assembled. The person having the highest number of votes shall be Principal Chief; but if two or more shall be equal and highest in votes, one of them shall

be chosen by joint vote of both branches of the Council. The manner of determining contested elections shall be directed by law.

Sec. 2. No person except a natural born citizen shall be eligible to the office of Principal Chief; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years.

Sec. 3. There shall also be chosen at the same time by the qualified electors in the same manner for four years, an assistant Principal Chief, who shall have attained to the age of thirty-five years.

Sec. 4. In case of the removal of the Principal Chief from office, or of his death or resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the assistant Principal Chief until the disability be removed or the vacancy filled by the National Council.

Sec. 5. The National Council may by law provide for the case of removal, death, resignation, or disability of both the Principal and assistant Principal Chief, declaring what officer shall then act as Principal Chief until the disability be removed or a Principal Chief shall be elected.

Sec. 6. The Principal Chief and assistant Principal Chief shall, at stated times, receive for their services a compensation which shall neither be increased nor diminished during the period for which they shall have been elected; and they shall not receive within that period any other emolument from the Cherokee Nation or any other Government.

Sec. 7. Before the Pricipal Chief enters on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear, or affirm, that I will faithfully execute the duties of Principal Chief of the Cherokee Nation, and will, to the best of my ability, preserve, protect, and defend the Constitution of the Cherokee Nation."

Sec. 8. He may, on extraordinary occasions, convene the National Council at the seat of Government.

Sec. 9. He shall from time to time, give to the National Council information of the state of the Government, and recommend to their consideration such measures as he may deem expedient.

Sec. 10. He shall take care that the laws be faithfully executed.

Sec. 11. It shall be his duty to visit the different Districts

at least once in two years, to inform himself of the general condition of the country.

SEC. 12. The assistant Principal Chief shall, by virtue of his office, aid and advise the Principal Chief in the administration of the government at all times during his continuance in office.

SEC. 13. Vacancies that may occur in offices, the appointment of which is vested in the National Council, shall be filled by the Principal Chief, during the recess of the National Council, by granting commissions which shall expire at the end of the next session thereof.

SEC. 14. Every bill which shall pass both branches of the National Council shall, before it becomes a law, be presented to the Principal Chief; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that branch in which it may have originated, who shall enter the objections at large on their journals, and proceed to reconsider it; if, after such reconsideration, two-thirds of that branch shall agree to pass the bill, it shall be sent, together with the objections, to the other branch, by which it shall likewise be reconsidered, and if approved by two-thirds of that branch, it shall become a law. If any bill shall not be returned by the Principal Chief within five days, (Sundays excepted,) after the same has been presented to him, it shall become a law, in like manner as if he had signed it, unless the National Council, by their adjournment, prevent its return, in which case it shall be a law, unless sent back within three days after their next meeting.

SEC. 15. Members of the National Council, and all officers, Executive and Judicial, shall be bound by oath to support the Constitution of this Nation, and to perform the duties of their respective offices with fidelity.

SEC. 16. In case of disagreement between the two branches of the National Council, with respect to the time of adjournment, the Principal Chief shall have power to adjourn the same to such a time as he may deem proper; provided it be not a period beyond the next constitutional meeting thereof.

SEC. 17. The Principal Chief shall, during the session of the National Council, attend at the seat of Government.

SEC. 18. There shall be a council composed of five persons to be appointed by the National Council, whom the Principal Chief shall have full power at his discretion to assemble; he, together with the assistant Principal Chief, and the counsel-

lors, or a majority of them, may, from time to time, hold and keep a Council for ordering and directing the affairs of the Nation according to law; provided the National Council shall have power to reduce the number, if deemed expedient, after the first term of service, to a number not less than three.

Sec. 19. The members of the executive Council shall be chosen for the term of two years.

Sec. 20. The resolutions and advice of the Council shall be recorded in a register, and signed by the members agreeing thereto, which may be called for by either branch of the National Council, and any counsellor may enter his dissent to the majority.

Sec. 21. The Treasurer of the Cherokee Nation shall be chosen by a joint vote of both branches of the National Council for the term of four years.

Sec. 22. The Treasurer shall, before entering on the duties of his office, give bond to the Nation, with sureties to the satisfaction of the National Council, for the faitful discharge of his trust.

Sec. 23. No money shall be drawn from the Treasury but by warrant from the Principal Chief, and in consequence of appropriations made by law.

Sec. 24. It shall be the duty of the Treasurer to receive all public moneys, and to make a regular statement and account of the receipts and expenditures of all public moneys at the annual session of the National Council.

## Article V.

Sec. 1. The Judicial powers shall be vested in a Supreme Court, and such Circuit and inferior Courts as the National Council may, from time to time, ordain and establish.

Sec. 2. The Judges of the Supreme and Circuit Courts shall hold their commissions for the term of four years, but any of them may be removed from office on the address of two-thirds of each branch of the National Council to the Principal Chief, for that purpose.

Sec. 3. The Judges of the Supreme and Circuit Courts shall, at stated times, receive a compensation which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under the Government of this Nation or any other Power.

SEC. 4. No person shall be appointed a Judge of any of the Courts until he shall have attained to the age of thirty years.

SEC 5. The Judges of the Supreme and Circuit Courts shall be elected by the National Council, and there shall be appointed in each District as many Justices of the Peace as it may be deemed expedient for the public good, whose powers, duties and duration in office, shall be clearly designated by law.

SEC. 6. The Judges of the Supreme Court and of the Circuit Courts shall have complete criminal jurisdiction in such cases and in such manner as may be pointed out by law.

SEC. 7. No Judge shall sit on trial of any cause when the parties are connected by affinity or consanguinity, except by consent of the parties.

In case all the Judges of the Supreme Court shall be interested in the issue of any cause, or related to all or either of the parties, the National Council may provide by law for the selection of a suitable number of persons of good character and knowledge for the determination thereof, and who shall be specially commissioned for the adjudication of such case by the Principal Chief.

SEC. 8. All writs and other process shall run "in the name of the *Cherokee Nation*," and bear test, and be signed by the respective Clerks.

SEC. 9. Indictments shall conclude—"Against the peace and dignity of the Cherokee Nation."

SEC. 10 The Supreme Court shall, after the present year, hold its session annually at the seat of Government, to be convened on the first Monday of October, in each year.

SEC. 11. In all criminal prosecutions, the accused shall have the right of being heard; of demanding the nature and cause of the accusation: of meeting the witnesses face to face: of having compulsory process for obtaining witnesses in his or their favor; and in prosecutions by indictment or information, a speedy public trial, by an impartial jury of the vicinage; nor shall the accused be compelled to give evidence against himself.

SEC. 12. The people shall be secure in their persons, houses, papers, and possessions, from unreasonable seizures and searches, and no warrant to search any place, or to seize any person or things, shall issue without describing them as nearly as may be, nor without good cause supported by oath or affirmation.

Sec. 13. All persons shall be bailable by sufficient securities, unless for capital offences, where the proof is evident, or presumption great.

Article VI.

Sec. 1. No person who denies the being of a God, or a future state of reward and punishment, shall hold any office in the civil department in this Nation.

Sec. 2. The free exercise of religious worship, and serving God without distinction, shall, forever, be enjoyed within the limits of this Nation: provided, that this liberty of conscience shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this Nation.

Sec. 3. When the National Council shall determine the expediency of appointing delegates, or other public agents, for the purpose of transacting business with the Government of the United States, the Principal Chief shall recommend, and, by the advice and consent of the National Committee, appoint and commission such delegates or public agents accordingly. On all matters of interest, touching the rights of the citizens of this Nation, which may require the attention of the United States Government, the Principal Chief shall keep up a friendly correspondence with that Government, through the medium of its proper officers.

Sec. 4. All commissions shall be "in the name, and by the authority of the Cherokee Nation;" and be sealed with the seal of the Nation, and signed by the Principal Chief. The Principal Chief shall make use of his private seal until a National seal shall be provided.

Sec. 5. A Sheriff shall be elected in each District, by the qualified electors thereof, who shall hold his office two years, unless sooner removed. Should a vacancy occur, subsequent to an election, it shall be filled by the Principal Chief, as in other cases; and the person so appointed, shall continue in office until the next regular election.

Sec. 6. No person shall for the same offence be twice put in jeopardy of life or limb; nor shall the property of any person be taken and applied to public use without a just and fair compensation: *Provided*, That nothing in this clause shall be so construed as to impair the right and power of the National Council to lay and collect taxes.

SEC. 7. The right of trial by jury, shall remain inviolate, and every person, for injury sustained in person, property or reputation, shall have remedy by due course of law.

SEC. 8. The appointment of all officers, not otherwise directed by this Constitution, shall be vested in the National Council.

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

SEC. 10. The National Council may propose such amendments to this Constitution, as two-thirds of each branch may deem expedient; and the Principal Chief shall issue a proclamation, directing all civil officers of the several Districts to promulgate the same as extensively as possible within their respective Districts, at least six months previous to the next general election. And if, at the first session of the National Council, after such general election, two-thirds of each branch shall, by ayes and noes, ratify such proposed amendments, they shall be valid to all intent and purposes, as parts of this Constitution: *Provided*, That such proposed amendments shall be read on three several days in each branch, as well when the same are proposed, as when they are ratified.

Done in Convention at Tahlequah, Cherokee Nation, this sixth day of September, 1839.

GEORGE LOWREY,
*President of the National Convention.*

Hair Conrad, his x mark,
John Benge, his x mark,
Archibald Campbell, his x mark,
Thomas Candy, John Drew,
George Guess, his x mark,
Walter Scott Adair,
Young Elders, his x mark,
Will. Shorey Coodey,
Thomas Foreman, Richard Taylor,
Thomas Fox Taylor,
O-kan-sto-tah Logan, his x mark,
James Spears, his x mark,
John Spears,
Stephen Foreman,
Young Glass, his x mark,
Looney Price,
Tobacco Will, his x mark,
Major Pullum, his mark,
Moses Parris,
George Washington Gunter,
Kenah Logan, his x mark,
Young Wolf, Joseph Martin Lynch,
Sal-la-tee-skee Watts, his x mark,
George Brewer, his x mark,
Joshua Bullington,
Jesse Bushyhead, Jesse Russell,
John Fletcher Boot, his x mark,
Crying Buffalo, his x mark,
Bark Flute, his x mark,
Ou-ka-ya-a, his x mark,
Soft-shell Turtle, his x mark,
Edward Gunter,
Daniel Colston, his x mark,
Lewis Ross, George Hicks,
Turtle Fields, his mark,
Elijah Hicks,
Tah-lah-see-nee, his x mark,
James Brown, Charles Coodey,
Riley Keys, Daniel McCoy,
Lewis Melton.

# LAWS

OF THE

# CHEROKEE NATION.

———o:o———

*An Act for the punishment of Criminal Offences.*

*Be it enacted by the National Council,* That in all cases of wilful murder, the offender, upon trial and conviction by the authorized courts of this Nation, shall suffer death by hanging; and when sentence of death shall have been passed, the courts shall grant a respite of five days before such criminal may be executed; but if the court, with the citizens generally of that section, shall deem it proper, they may petition the Principal Chief to pardon such convicted criminal, who may, if the reasons as set forth at large seem to warrant, grant an additional respite for a given number of days, until he can assemble the assistant Chief and Executive Council, who shall duly consider said petitions, with the circumstances and evidence given on trial, and decide by ordering his release and acquital or execution.

Sec. 2. *Be it further enacted,* That any person who shall with malice aforethought, assault another with intent to kill, shall, upon conviction thereof, be fined in a sum for the benefit of the party injured, not less than ten nor exceeding one thousand dollars, at the discretion of the court, with the costs of suit. But if any person shall kill another in self-defence or by accident, without any previous intent to do the same, he shall not be held accountable for such act, and be exempt from any fine or punishment whatever.

Sec. 3. *Be it further enacted,* That upon trial and conviction of any person charged with the offence of having com-

mitted a rape on any female, he shall be punished with one hundred lashes on the bare back; and upon the conviction of any negro for the aforesaid offence against any free female, not of negro blood, he shall suffer death by hanging.

SEC. 4. *Be it further enacted*, That any female who shall be found guilty of having committed infanticide, or being accessorry thereto, shall, upon conviction thereof, be punished with not less than twenty-five nor exceeding fifty lashes.

*Tahlequah, Sept. 19th*, 1839.

Approved—JOHN ROSS.

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*An Act for the punishment of Thefts and other Crimes.*

*Be it enacted by the National Council*, That any person who shall be convicted of stealing a horse, mule, jack or jinny, shall be punished by not less than thirty-nine nor more than one hundred stripes on the bare back, and be compelled to make payment to the amount of damages or injury sustained, if such stolen property be not restored, for the benefit of the person so injured. And for all other property which may be stolen, upon conviction of the party so offending, the punishment shall be in proportion to the magnitude of the offence, at the discretion of the court, and judgment against the offender for damages to the party injured.

SEC. 2. *Be it further enacted*, That if any person shall enslave, or sell, or dispose of in any manner, any free person, for the purpose of enslaving the same, such person so offending shall, upon conviction thereof, be punished with corporeal infliction, as provided in the section above, and compelled to make ample remuneration by such compensation as the court may determine.

SEC. 3. *Be it further enacted*, That if any person shall wilfully and maliciously burn the house or other property of another, or otherwise kill or destroy the property of any person, for the purpose of injuring or gratifying a spirit of revenge, such offender, upon conviction, shall be punished in like manner as provided for above, and required to satisfy all damages sustained by the party injured; and if said party requires it, the court shall cause such offender to give bond, with surety, for good behavior for the next twelve months.

SEC. 4. *Be it further enacted,* That any person who shall employ another, or aid or abet in the perpetration of any criminal offence, upon conviction thereof, such person or persons shall suffer such punishment as may be inflicted upon the principal offender, and be likewise subject to the same judgment for damages.

*Tahlequah, Sept. 19th,* 1839.

Approved—JOHN ROSS.

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*An Act to prevent Amalgamation with Colored Persons.*

*Be it enacted by the National Council,* That intermarriage shall not be lawful between a free male or female citizen with any slave or person of color not entitled to the rights of citizenship under the laws of this Nation, and the same is hereby prohibited, under the penalty of such corporeal punishment as the courts may deem it necessary and proper to inflict, and which shall not exceed fifty stripes for every such offence;—but any colored male who may be convicted under this act shall receive one hundred lashes.

*Tahlequah, Sept. 19th,* 1839.

Approved—JOHN ROSS.

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*An Act to fill Vacancies in the National Council.*

*Be it enacted by the National Council,* That the Principal Chief be, and he is hereby authorized, upon the notification of either branch of the National Council, during its present session, that a vacancy exists, either by death, resignation or refusal to serve, of any of the members elected, to issue a writ of election to fill such vacancy; and which election shall be held at Tahlequah, by general vote of all the people present, before the adjournment of the present session of the National Council; and after such adjournment this act shall have no force or effect.

*Tahlequah, Sept. 20th,* 1839.

Approved—JOHN ROSS.

*An Act providing for Attachments.*

*Be it enacted by the National Council,* That it shall be lawful whenever any person may have a claim or debt against another, and is apprehensive that he is about to abscond or dispose of his property, so as to be beyond the reach of law, to make oath to that effect, before any of the Judges or Clerks of the respective Districts, and it shall be the duty of the Judge or Clerk, before whom such oath may be made, to issue an attachment forthwith, to be placed in the hands of any lawful officer, whose duty it shall be to attach as much property of the debtor as will satisfy the demand, if to be found, and to take the same into his safe keeping, until there shall be a decision made on the case agreeably to law, unless the said debtor shall secure to the creditor the debt, by giving bond with sufficient security.

*Tahlequah, Sept.* 21*st*, 1839.

Approved—JOHN ROSS.

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Whereas, a complaint has been made by Brev. Brig. Gen. M. Arbuckle, U. S. A., that the life of Mr. Demningburg, Contractor's Agent for issuing rations to the late emigrants, has been threatened, and that in consequence the business of issuing had been obstructed: therefore,

*Be it enacted by the National Council,* That W. S. Adair, Thomas F. Taylor and George West, or either of them, be, and are hereby authorized and empowered to adopt such measures, by summoning a sufficient number of persons, if necessary, to preserve order at the depot at W. S. Adair's for issuing rations, and to prevent any improper or unlawful conduct on the part of any person from obstructing any agent in the discharge of his business; and to prevent the introduction of ardent spirits about the premises of such depot during issues, under the penalty of wasting the same for every such offence. They are further authorized and directed to enquire into the conduct of Lewis Webber towards the Contractor's agent, and to report the same to the National Council during the present session.

*Tahlequah, Sept.* 23*d*, 1839.

Approved—JOHN ROSS.

*An Act establishing the Judiciary.*

SEC. 1. *Be it enacted by the National Council,* That the Courts established under the Government of this Nation shall have cognizance of all suits arising under the Constitution and Laws of the Cherokee Nation, and cases originating under the laws and usages of the Eastern Cherokees as existing previous to their removal, and those in existence among the Western Cherokees prior to the Act of Union dated 12th day of July, 1839, and the adjudication of all questions shall be according to the provisions of the respective laws under which they originated.

SEC. 2. The commencement of all suits shall be by summons obtained from the Clerk of the respective court in which such suit is to be tried, and of the District in which the party sued shall be resident, and which summons shall state the nature of the case upon which proceedings are founded, and be served by some lawful officer at least thirty days before the holding of said court, and such summons shall be returned to the Clerk with a certificate of service, and the court shall give judgment as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects, or want of form in such summons or process.

SEC. 3. The trial of all causes at law, civil and criminal, shall be by jury, except in the trial of such cases by the Supreme Court as may be brought before them by appeal from the Circuit Courts.

No person under the age of twenty-one years, or above the age of sixty, nor any person who may be convicted after the passage of this act, of felony or perjury shall be summoned on a jury.

The Judge of each respective Court shall at least thirty days before the time fixed for holding such Court, make out and furnish the Sheriff of the District with a list of names who shall be summoned by him or his deputy to act as jurors, and the Clerk or Judge shall administer the following oath: "You and each of you do solemnly swear that you will well and truly try all issues which shall be submitted to you and left to your decision by the Court, during the present term, and true verdicts give according to the evidence." Which oath shall authorize said jury to try all issues that may be submitted during that term of said Court. Nine persons shall

constitute a jury in any of the Courts for the trial of all civil suits, and any six of whom may render a verdict; but in all criminal cases there shall be twenty-four persons summoned, and the criminal, in open court, may challenge or object, if he chooses, to one-half of this number as the Clerk shall call their names. The remaining twelve shall form a jury for the trial of any criminal accusation, and be qualified for that special case, and no verdict shall be rendered but by the unanimous assent of the whole; and in case of disagreement, and the court being satisfied that such particular jury cannot agree, they shall be discharged from further consideration of such case, and another jury summoned in their stead for the trial of that case.

In charging the jury, in all cases, the judge shall state the testimony and the law.

Sec. 4. Each court shall have authority to prescribe such rules and regulations for the transaction of business, and to preserve order during its session, as may be deemed necessary and proper, and which shall not be in violation of law; and for every contempt or disrespect offered, or obstruction of business by the improper conduct of individuals, the Court may impose a fine on any such person so behaving, and which shall not be less than one nor exceeding fifty dollars, at the discretion of the court.

Sec. 5. Each court shall have the right of appointing its own Clerk, whose term of service shall be the same as that of the Judge or Judges of such respective court; and such Clerk shall be liable to dismissal for improper behavior or want of attention to the duties of his office.

Sec. 6. *Be it further enacted*, Whenever final judgment is rendered in any case by a court, the clerk thereof, shall, within five days after the adjournment of the Court, issue an execution directed to the Sheriff of the District to proceed and make collection from the party cast to the amount of such judgment and costs; and such execution shall be returnable at the next term of the said court, with a certificate of the proceedings had thereon, and which shall be recorded by the clerk of the said court.

The clerk of each court, before he enters on the duties of his office, shall take the following oath: "I, A. B. do solemnly swear that I will well and truly discharge the duties of clerk of the —— court according to the best of my skill and

judgment, and make correct entries and records of all causes, judgment, and proceedings of the court, and carefully file and preserve all books and papers whatsoever which shall be delivered to me in charge, or otherwise come into my hands or possession by virtue of my office, and faithfully execute the duties thereof without favor, affection or partiality."

SEC. 7. Any of the Judges shall have power to call and hold a special court for the trial of criminals; witnesses shall be allowed one dollar each day for attendance at court under a summons to give testimony, and the party against whom judgment is rendered shall pay the expense of witnesses on both sides, and no further cost shall attach to any suit.

## THE SUPREME COURT.

SEC. 1. *Be it further enacted*, That the Supreme Court of the Cherokee Nation shall consist of one Chief Justice, and four associate Judges, any three of whom shall form a quorum to transact business, and decide cases. In the absence of the Chief Justice, the Principal Chief may nominate one of the other Judges to act as Chief Justice *pro tempore*.

SEC. 2. The jurisdiction of this court shall be limited to such cases as may have been decided in the Circuit Courts, and by appeal, brought before them for trial; except in such other cases as may hereafter be provided for by law.

In the trial of all appealed cases, the court shall be confined to such written testimony, as may be transmitted with each respective case from the Circuit Court, unless satisfactory showing is made by either party, that it was impossible to have obtained the personal attendance of some witness or witnesses whose testimony is important; in that event, additional testimony shall be permitted to either party. Either party to a suit, in this court may, at the first term after such suit is placed on the docket, for satisfactory reasons, or the parties by mutual consent, lay over such cause until the next term, but no case shall be laid over a second time.

SEC. 3. *Be it further enacted*, That any Judge of the Supreme Court shall be authorized to call and hold a special court for the trial of any person or persons who may be charged with murder.

SEC. 4. It shall be the duty of the clerk to enter on a docket, to be kept for that purpose, all causes brought by appeal

into this court; and to record faithfully all proceedings and decisions in a book; and to preserve with care all papers and books appertaining to the business of the court.

SEC. 5. The court shall designate such officer or officers, as may be deemed necessary, to attend upon the court during its session, for the preservation of order, and the execution of its mandates.

## THE CIRCUIT COURTS.

SEC. 1. *Be it further enacted*, That there shall be established two judicial circuits, and one Judge elected to each circuit.

The following division of the Nation into four Districts shall continue until otherwise altered by law, to wit:

1. *Neosho District.*—Commencing at the line of Washington county where the Saline road crosses the same, and following said road to the head of Spring creek; thence down the same to Grand river; thence down Grand river to the Arkansas, and thence along the western boundary of the Nation, including all the country north and west of the above line.

2. *Salisaw District.*—Beginning at the line of Washington county, near Wilson's store, where the wagon road crosses the same by Jack Bean's: thence along said road by Chas. Vann's, down the Salisaw to the crossing of the creek by Dr. Palmer's: thence, south, to the top of the mountain, and along the top of the same to a point opposite John L. McCoy's; thence to the crossing of the Salisaw by the military road, and along said road to Grand river.

3. *Illinois District.*—Commencing at the mouth of Salisaw creek, and running up the same to the military road; thence along said road to Grand river, and down the same to the Arkansas, including all the country west of this line and the Arkansas.

4. *Lees Creek District.*—Including all the country lying south and east of the above described lines.

The Northern circuit shall be composed of Neosho and Salisaw Districts; and the Southern of Illinois and Lee's Creek District. And the following places are designated in each District for holding courts, viz:

In Neosho District, at Sitewake's Village on Spavinaw.

In Salisaw District, at Tahlequah.

In Illinois District, at Tah-lon-tuskee.

In Lee's Creek District, at George Guess'.

The Judges shall hold their respective courts in Neosho and Illinois Districts, on the first Monday in May and Septemper, and for Salisaw and Lee's Creek Districts, on the second Monday in May and September.

Sec. 4. The Circuit Court shall have complete jurisdiction, in all criminal matters, and also in civil cases where the amount at issue is not less than one hundred dollars; but may also try and decide suits, when the amount is less than one hundred and over twenty-five dollars, provided such suit has been brought by appeal from the District Court; and all decisions where the sum does not exceed one hundred dollars, shall be final; but if above that amount, an appeal may be granted to the Supreme Court, if moved for before the adjournment of such court; and in the trial of all cases, the Clerk shall write out in full the testimony which may be given by witnesses of both parties. And in the event of an appeal to the Supreme Court, such written testimony, with the proceedings and decision of the court, being certified to by the Clerk, sealed and marked on the outside, with the nature of the case and the names of the parties, they shall be transmitted by the Sheriff of the District, directed to the Chief Justice. And the party, so appealing to the Supreme Court, shall be required to enter into bond with security, to the satisfaction of the Court, for the maintenance of such suit and payment of all costs.

## DISTRICT COURTS.

*Be it further enacted*, That there shall be established one District Court in each of the four Districts, temporarily provided for in this act, and one Judge for each, elected by joint vote of the National Council, whose term of service shall be one year.

The District Court shall have complete criminal jurisdiction in all cases not involving the sentence of death; and in all civil matters where the sum at issue does not exceed one hundred dollars; and its decisions in all cases, where the sum does not exceed twenty-five dollars, shall be final; when over twenty-five and not over one hundred dollars, an appeal may be granted to the Circuit Court, and the witnesses again summoned to appear and give testimony in that court.

Each party taking an appeal, shall be required to give bond

and security for the maintenance of such suit, and payment of all costs which may attach thereto.

The District Courts shall be held at the respective places designated for holding the Circuit Courts, and on the first Monday of January and July.

## SHERIFFS.

*Be it further enacted*, That there shall be one Sheriff in each District, who shall enter into bond with security to the amount of one thousand dollars, for the faithful execution of the duties of his office, and take the following oath: "I, A. B. having been elected to the office of Sheriff of —— District, do solemnly swear, that I will well and truly execute the duties of my said office, according to the best of my skill and understanding, without fraud or partiality." It shall be the duty of the Sheriffs to attend upon the courts which may be held in their respective Districts, to serve all summons or other process which may be placed in their hands; and to take all necessary and proper measures in the execution of the judgments of the courts; and also to arrest and cause to be tried, all persons who may be charged with criminal offences; and in case of resistance, or strong apprehensions of resistance, the Sheriff shall summon such a number of citizens as may be necessary to arrest any person or persons against whom criminal charge may be alleged, and to guard the same until convicted or acquitted, unless the Judge, during the recess of Court, before whom such person may be brought, shall sooner discharge them upon such bail for his or their attendance at the next term, as may be deemed sufficient and proper. Should any persen, charged with a criminal violation of law, resist any lawful officer or persons authorized to cause his arrest, while in the discharge of his or their duty, and such persons should be killed on account of unlawful resistance, such officer or other persons shall not be held guilty of murder.

It shall also be the duty of such Sheriff or Sheriffs, as may be designated by the Chief Justice for that purpose, to attend upon the Supreme Court during its session.

Each Sheriff may appoint a Deputy from under his own hand, and shall notify the District Judge of such appointment; and such Sheriff shall be responsible for the conduct

and behaviour of such Deputy so appointed by him. When the property of any person is levied upon to satisfy an execution issued upon the judgment of a court, the Sheriff shall advertise the same at three of the most public places in the District, to be sold to the highest bidder; and for all sums not exceeding fifty dollars, such sale shall be advertised ten days; and for all sums above fifty dollars, twenty days' notice shall be given.

*Tahlequah, 23d September*, 1839.

Approved—JNO. ROSS.

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*An Act in relation to Contracts.*

*Be it enacted by the National Council*, That all lawful contracts shall be binding. And any person upon failure to comply with the terms of such contract shall be liable to a suit at law, in any of the courts having jurisdiction in the matter, to be instituted by the creditor; and if upon trial, the law and testimony shall justify, judgment shall be rendered in favor of such creditor, for the amount which may be due by the defendant.

And in all cases where a debt may be contracted, and it is agreed that property or trade shall be taken in payment of such debt, judgment shall be rendered accordingly; and the officer shall proceed to levy on the property of such debtor, and to summons two disinterested citizens, who shall be sworn by him, to aid in the valuation of such property fairly and impartially, and when such property is so valued by the Sheriff and such other persons, the creditor shall receive the same at such valuation as may be fixed by them.

*Tahlequah, Sept.* 24, 1839.

Approved—JNO. ROSS.

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*An Act relative to Estates and Administrators.*

*Be it enacted by the National Council*, That all written or verbal Wills of deceased persons, when proved to the satisfaction of the Judge of the District Court for the District in which deceased person resided, shall be valid; and if by such Will, any person or person are designated to manage the business of any estate so left, such person shall receive from

said Judge a written appointment for that purpose, and be required to enter into bond with sufficient security, for the faithful management of such business, in accordance with the provisions of said Will, and for the careful preservation of all property and effects so left, and all such Wills shall be registered by the Clerk of the District Court; and all persons so appointed shall furnish, on oath, a schedule and description of all property and effects belonging to such estate; and which shall likewise be registered by said Clerk.

SEC. 2. *Be it further enacted*, That when a person dies without having made a Will, the District Judge shall grant letters of administration to some competent and responsible individual, to be selected from among the relatives of the deceased, if the safety of such property as may be left seem to warrant, and who shall be required to enter into bond, &c., as provided above. And the property and effects shall belong equally to the children; the widow, also, of such deceased person shall be entitled to an equal share with the children, to be apportioned to her whenever she requires it, and the settlement of the business will safely permit, and the residue to the children as they became of age, to wit: males at twenty-one years, and females at eighteen years, unless by marriage it may be sooner apportoined. And in case such widow shall again marry and hold her property separately from the husband, and shall die without issue from her second marriage, such property shall be divided among the aforesaid children. And in all cases where the wife dies holding property as above, and has children, and the husband survives, such property shall likewise be equally apportioned among the children and the husband; and if such husband should again marry and die without issue from such second marriage, his property shall be divided equally among his children.

Any Administrator who may have charge of an estate shall settle all just debts due out of its effects, and collect all outstanding claims in its favor. He shall cause public notice to be given, by written advertisements, for all persons having demands against such estate to bring them forward for settlement within twelve months, otherwise they shall be void and not recoverable by law.

*Tahlequah, 24th September*, 1839.

Approved—JNO. ROSS.

*An Act regulating settlements on the Public Domain.*

*Be it enacted by the National Council,* That no person shall be permitted to settle or erect any improvement within one-fourth of a mile of the house, field, or other improvements of another citizen, without his, her, or their consent, under the penalty of forfeiting such improvement and labor for the benefit of the original settler; provided it may be lawful, however, where a settler has a field one-half mile or more from his residence, and where there may be a spring or running water and timber, for another citizen to improve and settle one hundred yards from such field so situated.

*Tahlequah, 24th September,* 1839.

Approved—JNO ROSS.

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*An Act to exempt certain Property from Sale.*

*Be it enacted by the National Council,* That the following description of property shall be exempted from sale to satisfy any debt or judgment, and shall be reserved for the benefit of the owner thereof, viz: one horse, or in lieu thereof, one yoke of oxen, one cow and calf, one sow and pigs, farming utensils, household and kitchen furniture, and fifty bushels of corn, one stack of fodder, and fire-arms, and one saddle and bridle. And it shall not be lawful for an officer to levy on any of the above-mentioned property.

*Tahlequah, Sept. 24th,* 1839.

Approved—JNO. ROSS.

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*An Act defining lawful Fences.*

*Be it enacted by the National Council,* That a fence ten rails high, with cracks not exceeding four inches wide, for four rails up said fence, shall be considered a lawful fence. And a fence eight good rails high, well staked and ridered, shall also be considered a lawful fence. And the horse, ox, or other beast, or hog, of any person or persons whomsoever, breaking into the field of any person having a lawful fence,

the owner of such property shall be responsible for the damages done, and the courts of the several Districts shall have cognizance of every such case.

This act not to take effect until the first day of March, 1840.

*Tahlequah, 25th Sept.*, 1839.

Approved—JNO. ROSS.

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*An Act authorizing the Arbitration of Cases.*

*Be it enacted by the National Council,* That it shall be lawful for parties to settle and adjust any dispute or controversy by arbitration; and when that mode is determined upon, the parties shall place in the hands of each arbiter appointed by them, a written notice to that effect, signed jointly by such parties, and they shall be sworn by the Judge or Clerk of the Circuit or District Court, before they proceed to arbitrate and decide upon such case, and their decision shall be final, and shall be recorded in the office of the Clerk of such Court as would properly have had cognizance of the matter, and execution shall issue by him to the Sheriff, the same as if judgment had been obtained in such Court, unless the arbitrators may have decided otherwise.

*Tahlequah, 26th Sept.*, 1839.

Approved—JNO. ROSS.

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*An Act relative to Schools.*

*Be it enacted by the National Council,* That all facilities and means for the promotion of education, by the establishment of schools, and the diffusion of general intelligence among the people shall be afforded by legislation, commensurate with the importance of such objects, and the extent and condition of the public finances; and all schools which may be, and are now in operation in this Nation, shall be subject to such supervision and control of the National Council as may be provided.

SEC. 2. *Be it further enacted,* That in future no mission-

ary school or establishment shall be located or erected, without permission being first obtained from the National Council for such purpose, and the place designated by law for the same, with such other general regulations as may be deemed necessary and proper, either as conducive to its particular usefulness, or conformity to national rights and interest.

SEC. 3. *Be it further enacted*, That in futherance of the design of this act, a committee of three persons shall be appointed by nomination of the Principal Chief to the National Committee, whose duty it shall be to mature and prepare a system of general education by schools, with such laws for its establishment and promotion as may be necessary; and to report the same to the Principal Chief before the next annual meeting of the National Council, who shall submit such report with his views in relation thereto; said committee shall also visit all the schools in the Nation, examine the plan upon which they are taught, the improvement of pupils, and utility of each, and report such information to the Principal Chief, to be submitted before the National Council.

*Tahlequah*, 26*th Sept.*, 1839.

Approved—JNO. ROSS.

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### *An Act respecting Garnishees.*

*Be it enacted by the National Council*, That when judgment is rendered, and the officer in whose hands an execution may be placed, shall fail to find any property or effects in the possession of the debtor to satisfy the same, and has cause to believe that some other person has in hands property or effects belonging to such debtor, the officer shall proceed to make inquiry of such person, and if such property or effects shall be pointed out, he shall proceed to make levy; but if such person shall refuse to give such information as may be satisfactory, the officer shall summon him before the Judge or Clerk of the Court where jungment was obtained, who shall require him on oath to answer to the charge of holding in his hands the property or effects of such debtor.

And if any person shall have, or place his property or effects in the possession of another person, before judgment is obiained, it shall be lawful to garnishee the person holding

the same, as above, and to take such measures as will prevent the disposal or removal of the same, until proceedings may be had in the proper court, on any alledged debt owing by the owner of such property or effects.

*Tahlequah, 26th Sept.*, 1839.

Approved—JNO. ROSS.

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*An Act to prevent the introduction and vending of Ardent Spirits.*

*Be it enacted by the National Council*, That the introduction or vending of ardent spirits in this Nation shall not be lawful; and any and all persons are prohibited from bringing or engaging in the traffic of ardent spirits within five miles of the National Council, during its session, or one mile from any of the places designated for holding courts, during their session, or one mile of any public gathering or meeting in the Nation, under the penalty of having the same wasted or destroyed by any lawful officer or authorized person, by the Sheriff, for such purpose.

*Tahlequah, Sept. 28th*, 1839.

Approved—JOHN ROSS.

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*An Act to legalize Intermarriage with White Men.*

*Be it enacted by the National Council*, That from and after the passage of this act, any white man, or citizen of the United States, who may come into this Nation and take a Cherokee woman to wife, he shall first be required to obtain a written license for that purpose from the Clerk of either the Circuit or District Court, and then be lawfully married by some minister of the gospel, or other authorized person; and the Judges of any of the courts shall be authorized to perform the marriage ceremony.

And any such white man, or citizen of the United States, who shall refuse or fail to comply with the provisions of this act, and take up with a Cherokee woman, or any such person who may lawfully marry and then abandon his wife, shall not be entitled to any of the rights and privileges of a citizen of

this Nation, and shall be liable to the provisions of the Intercourse Laws of the United States. Any person so obtaining a license shall pay the Clerk five dollars; and the said Clerk shall register all such licenses, and the person performing the marriage ceremony shall certify the same on the license, which shall be returned to the Clerk, and who shall record the same. And if such person or citizen as aforesaid, should come into the Nation and marry, and the fact should afterwards be established that he left a wife elsewhere, he shall be subject to removal as an intruder.

*Tahlequah, Sept. 28th,* 1839.

Approved—JOHN ROSS.

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*An Act granting permission to certain persons to establish Missionary Stations.*

*Be it enacted by the National Council,* That permission be, and the same is hereby granted to the Board of the Moravian Society, at Salem, North Carolina, to erect a Missionary Station in this Nation for the purpose of recommencing their labors in the instruction and improvement of the Cherokee people. Permission is also granted to the Rev. Evan Jones, under the direction of the Baptist Board, to enter and reside in the Nation for the same purpose. Permission is likewise granted to Dr. Eleazer Butler and the Rev. D. S. Butrick, under the direction of the American Board of Foreign Missions, to reside in the Nation for the same purpose; and that Dr. Butler be requested by the Principal Chief to reside at Rev. S. A. Worcester's until the next session of the National Council.

*Tahlequah Oct. 2d,* 1839.

Approved—JNO. ROSS.

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Whereas, The Principal Chief having this day apprized the National Council that an order has been issued from the War Department, directed to M. Stokes, United States Agent, to prohibit the residence among the Cherokees, of the Rev. Evan Jones, a Missionary under the Baptist Board, on ac-

count of charges preferred before the Secretary of War, the nature and character of which, however, are not specified or mentioned in said order; therefore,

*Resolved by the National Council,* That no complaint or charges, of whatever kind or character, have ever been made to the Hon. Secretary of War, or any other person, either by the authorities of the Nation, or authorized person in behalf of the Cherokee people; and that they are not aware or apprized of any act or conduct upon which complaint or charge may be founded to the prejudice of the aforesaid Rev. Evan Jones, he having for many years resided among them, east of the Mississippi, devoted to their instruction and improvement, to their entire satisfaction and approbation; and it is the desire of the people and authorities of this Nation that he shall be again permitted to resume his labors in this country.

The Principal Chief is requested to forward a copy of this resolution to the United States Agent, to be reported by him to the War Department.

*Tahlequah, Oct. 2d,* 1839.

Approved—JOHN ROSS.

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*An Act fixing the Compensation of the Officers of the Nation.*

*Be it enacted by the National Council,* That the Principal Chief be, and he is hereby allowed, out of the public funds of this Nation, a salary of five hundred dollars per annum for his services; and the assistant Principal Chief three hundred dollars per annum.

The Executive Connsellors shall each be allowed three dollars per day while in actual service.

The Judges of the Supreme Court shall each be allowed five dollars per day, while in service in holding court.

The Circuit Judges shall be allowed each a salary of two hundred dollars per annum.

The District Judges shall be allowed each one hundred dollars per annum.

The Clerk of the Supreme Court shall receive for his services, three dollars per day, during the session of the Supreme Court.

The Clerks of the Circuit Courts shall each receive two dollars and fifty cents per days while in actual service.

The Clerks of the District Courts shall each receive two dollars per day while in actual service.

Each Sheriff shall receive two hundred dollars per annum for his services.

Each Juror shall be paid one dollar per day.

The National Treasurer shall receive for his services a salary of five hundred dollars per annum.

The Clerks of the National Committee and Council shall each receive three dollars per day while in service.

*Tahlequah, Oct. 4th,* 1839.

Approved—JNO. ROSS.

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*Be it enacted by the National Council,* That it is expedient to appoint a delegation, consisting of eight persons, to represent the Cherokee people before the Government of the United States, for the purpose of adjusting and bringing to a final close all unsettled business between this Nation and the United States Government. And the Principal Chief be, and he is hereby requested to accompany said delegation. Each delegate shall receive, out of the public funds of the Nation, three dollars per day for his services during his absence on this mission.

*Tahlequah, Oct. 4th,* 1839.

Approved—JNO. ROSS.

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*An Act imposing prohibitions with regard to Tahlequah, the Council Ground.*

*Be it enacted by the National Council,* That it shall not be lawful for any person to clear a field, or wastefully destroy the timber, within one-fourth of a mile of Tahlequah, the Council ground, without special permission of the National Council: *Nevertheless,* this act shall not be so construed as to prevent Young Wolf from enlarging his premises on the east side of the hollow and spring branch, running between said Young Wolf's and Tahlequah, the Council Ground; and also, as to prevent any person from the use of timber while attending the National Council. But no person whomsoever shall

be permitted to cut or destroy any timber within one hundred yards of the fence enclosing the shed and office of the Principal Chief, except such timber as may be dead, upon the penalty of paying a fine of five dollars for every such offence.

*Tahlequah, Oct. 4th,* 1839.

Approved—JNO. ROSS.

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*Be it enacted by the National Council,* That any person who may be lawfully summoned to appear before any of the courts to give testimony, and shall refuse or fail to attend, unless on account of sickness, he shall be fined in a sum not less than twenty-five nor exceeding one hundred dollars, at the discretion of the court.

And any person who may be summoned by an officer to aid in the arrest of a criminal, and shall refuse, unless it be on account of sickness, he shall be fined fifty dollars.

And any fine which may be collected under this act shall be paid into the National Treasury.

*Be it further enacted,* That each of the Judges and Clerks of the several courts are hereby authorized to administer oaths.

*Tahlequah, Oct. 4th,* 1839.

Approved—JNO. ROSS.

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*Be it enacted by the Nat'l Council,* That all claims against the Nation shall be presented before the National Committee for investigation, and when allowed, there being now no funds to meet the demands upon the Treasury, the National Committee shall issue due bills to the respective claimants for the amount due, and which due bills shall be countersigned by the Principal Chief before they are given out.

*Tahlequah, Oct. 4th,* 1839.

Approved—JNO. ROSS.

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*An Act requiring the Treasurer to give Bond.*

*Be it enacted by the National Council,* That the National Treasurer shall, before he enters on the duties of his office,

enter into bond with surety to the amount of seventy-five thousand dollars, which bond to be executed to the Cherokee Nation, and given to the Principal Chief, and subject to the approval of the National Council at its next session.

*Takleguah, Oct. 4th*, 1839.

Approved—JNO. ROSS.

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*Be it enacted by the National Council*, That the Principal Chief be, and he is hereby, authorized to select some suitable persons to translate the Constitution and Laws of this Nation into the Cherokee language, and to have the same printed both in English and Cherokee for the use and information of the people.

*Tahlequah, 5th October*, 1839.

Approved—JNO. ROSS.

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*Be it enacted by the National Council*, That if any person or persons shall interrupt by misbehaviour, any congregation of Cherokee or white citizens, assembled at any place for divine worship, within the Cherokee Nation, such person or persons, so offending, shall, upon conviction thereof before any of the courts, be fined in a sum not exceeding twenty nor less than five dollars, for every such offence, to be adjudged by the court of the District in which such offence may be committed; and if any negro slave shall be convicted of the above offence, he shall be punished with thirty-nine stripes on the bare back. And all moneys so collected shall be paid over to the National Treasury.

*Tahlequah, October 7*, 1839.

Approved—JNO. ROSS.

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*Be it enacted by the National Council*, That the act fixing the compensation of the officers of the Nation, passed 4th October, 1839, be, and the same is hereby so amended, by granting an additional allowance to the compensation of the Sheriffs of six per cent. on all collections which may be made

by them, under an execution from any of the clerks issued on a judgment, to be recovered of the person against whom such judgment may be made.

*Tahlequah, October* 12, 1839.

Approved—JNO. ROSS.

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*Whereas* a National convention of the People of the Eastern and Western Cherokees was assembled on the first day of July, 1838, for the purpose of forming a union of the two communities, (brought together by the late removal of the Eastern Cherokees,) and of adopting measures for the preservation of order and the advancement of the general welfare:

And whereas the desired union has been consummated by general consent: and by the conditions of said union, "all rights and title to public Cherokee lands on the east and west of the river Mississippi, with all other public interests which may have vested heretofore in either branch of the Cherokee family;" are declared, "henceforward, to vest, entire and unimpaired, in the Cherokee Nation, as constituted by this union:"

And whereas various important questions, and much business with the Government of the United States, both of a public and private character, remain in an unsettled state, and require to be definitively adjusted as early as practicable: Therefore,

*Be it enacted by the National Council*, That John Ross, Principal Chief, W. Shorey Coodey, Edward Gunter, Richard Taylor, Joseph M. Lynch, Looney Price, John Looney, Elijah Hicks, and Jesse Bushyhead, be appointed a delegation to represent the Cherokee People before the Government of the United States; and that they be, and they are hereby, vested with full powers to enter into arrangements with the Government of the United States for the final adjustment of all matters mutually interesting to the United States and to the Cherokee people.

*Be it further enacted*, That the above named John Ross, W. Shorey Coodey, Edward Gunter, Richard Taylor, Joseph M. Lynch, Looney Price, John Looney, Elijah Hicks, and Jesse Bushyhead, be, and they are hereby, authorized to ap-

ply to the Government of the United States, or to the proper officers thereof, for all sums of money due, or which may become due, to the Cherokee Nation, on any account whatever, and to receive and receipt for the same, for and on behalf of the said Cherokee Nation.

*And be it further enacted*, That in case of vacancy occurring in the aforesaid delegation, the Principal Chief of the Nation be, and he is hereby authorised to fill such vacancy by appointment.

*Tahlequah, Oct.* 12, 1839.

Approved—JNO. ROSS.

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*An Act to organize the Nation into Eight Districts and for holding Elections.*

*Be it enacted by the National Council*, That the following divisions of the Nation into eight Districts, shall continue until altered by law—to wit:

I.

SKIN BAYOU DISTRICT.

Commencing at the mouth of Salisaw Creek, thence up the same to a point where the *Rogue's Path* crosses; thence along said path to Bear Meat's old place; thence on a direct line to the two Knobs or Peaks, running between the same, to the nearest point of the State line; thence south along said line to the Arkansas river, and up the same to the place of beginning.

II.

ILLINOIS DISTRICT.

Commencing at the point where the Rogue's Path crosses Salisaw Creek; thence on a direct line to Big Bear's [Allen Gafford's] on Elk Creek, and down said creek to its junction with Illinois river; thence crossing Short Mountain to Eli Harlin's, (including said Harlin in this District;) thence along the road by Joseph Coodey's and Dennis Biggs' to Grand river, at Fort Gibson; thence on the main road to the ferry on the Verdigris river, down the same to the Arkansas river; thence down said river to the mouth of Salisaw Creek, and up the same to the place of beginning.

## III.
## CANADIAN DISTRICT.

Commencing at the junction of the Arkansas and Canadian rivers; thence up the Canadian to the Creek boundary; thence along the said boundary to the Arkansas river, and down the same to the place of beginning.

## IV.
## FLINT DISTRICT.

Commencing at the point where the Rogue's Path crosses the Salisaw creek; thence along the line of Illinois District to the Illinois river; thence up said river to the mouth of Caney creek, and up said creek to Buffington's spring branch, and up said branch to the wagon road at Buffington's; thence along the main old road to the crossing of the south branch of the Barren Fork of Illinois; thence up said creek to the State line, and along said line to the line of Skin Bayon District; thence west along said District line to the place of beginning.

## V.
## GOING SNAKE DISTRICT.

Commencing on Caney creek at *Fawn's Camp* on the right, and following the path leading to Thos. F. Taylor's until the same forks on the mountain; thence along the right hand *old path* (leaving said Taylor's to the left,) to Dick Sanders' on the Barren Fork; thence along the road to James McDaniel's on Big Illinois; thence along the road or path leading to the Grand Saline, to Spring creek, thence up said creek to the crossing of the Washington county wagon road, at Gore's old cabin, following said road to Flint creek, then up said creek to the State line; then south along said line to the Flint District, and along the same to the place of beginning.

## VI.
## TAHLEQUAH DISTRICT.

Commencing at Fawn's Camp on Caney Creek, and following the line of Going Snake District to Spring creek; thence down said creek to Grand river, and down the same to Fort Gibson; thence along the line of Illinois District to the Illinois river; thence up said river to Caney creek, and up the same to the place of beginning.

## VII.
## DELAWARE DISTRICT.

Commencing at the point on Spring Creek where Going Snake and Tahlequah Districts corner; thence to the nearest source of Little Saline Creek, and down the same to its junction with Big Saline Creek; thence on a direct line to Grand river at the mouth of Spavinaw creek; thence up said river to the termination of the Cherokee territory, and including all the country east of the above described line to the State line and north of Going Snake District.

## VIII.
## SALINE DISTRICT.

Commencing at the north-west corner of Delaware District; thence south along the western line of the said District to Tahlequah District on Spring creek; thence down said creek to Grand river, and along the same to Fort Gibson, including all the country west not embraced in any of the before described Districts.

*Be it further enacted,* That the election for two members of the National Committee, and three members of the Council, and one Sheriff for each District, shall be held on the first Monday in August 1841:—and all free male citizens, who shall have attained to the age of eighteen years, shall be equally entitled to vote in the District of which they may be residents; and every voter shall name the persons for whom he votes.

*Be it further enacted,* That there shall be two superintendents at each precinct, to preside over the elections, who shall appoint a clerk, whose duty it shall be to make a list of all the candidates, and register the name of the each voter, stating the candidate for whom each vote is given.

In the event that any of the persons hereinafter named as superintendents, are unable or refuse to serve as such, then the people assembled to vote may choose others to fill such vacancies as may occur. The register or list of votes polled at each precinct shall be certified by the superintendents and clerk, and on the following day after the election, the superintendents shall assemble at the first named precincts in this act, in each District, and count all votes legally given, and issue a written certificate of election to each candidate, who shall have received the highest number of votes. The certi-

fied register of votes shall then be sealed up, and transmitted to the Principal Chief, marked, "Election returns for —— District."

The following places are designated as precincts in the several Districts.

1. For *Skin Bayou District.*—First precinct at the present place of holding Courts:—George Lowrey, jr., and Michael Waters, superintendents. Second precinct at Little Jno. Rogers':—G. W. Gunter and John Rogers, superintendents.

2. *Flint District.*—First precinct at George Chambers' Camp Ground:—George Chambers and Andrew Ross superintendents. Second precinct at Broken Canoe's:—Ezekiel Starr and George Still superintendents.

3. *Illinois District.*—First precinct at Moses Smith's:—John Brewer and Richard Ratcliff, superintendents. Second precinct at Cat Fields:—Archibald Fields and Alexander Foreman, superintendents.

4. *Canadian District.*—First precinct at James Thorn's:—Joseph Vann and John Thorn, superintendents. Second precinct at George Chisholm's:—Dutch and David Foreman, superintendents.

5. *Going Snake District.*—First precinct at Hair Conrad's:—Hair Conrad and Samuel Foreman, superintendents. Second precinct at Rising Fawn's (in Piney Woods)—Geo. Starr, John Harnage, superintendents.

6. *Tahlequah District.*—First precinct at Tahlequah:—Stephen Foreman and David Carter, superintendents. Second precinct at William Campbell's:—Thomas Wilson and and Thigh Walker, superintendents.

7. *Delaware District.*—First precinct at J. Buffington's:—Richard Taylor and William Wilson superintendents. Second precinct at Johnson Fields':—James D. Wofford and Hiram Landrum, superintendents.

8. *Saline District.*—First precinct at the Grand Saline:—Nicholas M'Nair and Brice Martin, superintendents. Second precinct at West's Saline:—David Vann and Bluford West, superintendents.

The superintendents and clerks shall be required to take the following oath:—"You do solemnly swear that you will conduct the election according to the provisions of the act passed Nov. 4th, 1840." Approved—JNO. ROSS.

*Tahlequah, Nov. 4th,* 1840.

*An Act relative to expenses in Criminal Prosecutions.*

*Be it enacted by the National Council,* That in all criminal arrests by the lawful officers of the Nation, it shall be proper for such criminals to be boarded at some convenient or suitable place, with such guard as the officer may deem necessary for their security until trial, and if upon trial such criminals shall be acquitted, the expense of such suits shall be paid by the Nation; but if convicted, the expense shall be collected from the person or persons so convicted: if, however, the officer shall fail to make such collection, he shall certify the same, and that no property or effects of said criminal can be found, and the amount of such necessary expense shall be paid out of the National Treasury.

The following shall be the rates of charges for boarding criminals and persons serving as guard:—Man and horse per day, seventy-five cents; man fifty cents. In all criminal trials the Clerk of the Court shall be required to make out a certified statement of the expenses of the case, and deliver the same to the Sheriff.

*Tahlequah, Nov. 6th,* 1840.

Approved—JNO. ROSS.

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*An Act to prevent Gaming.*

*Be it enacted by the National Council,* That gaming at cards, roulette, faro, or dice is hereby forbidden, and any person who shall game at cards or any of the above games within five miles of Tahlequah, during the session of the National Council, or within one mile of any of the places designated for holding court, during the sitting thereof, shall, upon conviction of every such violation, before any of the courts, be fined in a sum not less than ten, nor exceeding fifty dollars, at the discretion of the court; and judgment shall be issued forthwith for the collection of the same, which sum when collected shall be paid into the National Treasury.

*Tahlequah, Nov. 7th,* 1840.

W. SHOREY COODEY,
*Pres't National Committee.*
Approved—JNO. ROSS.

*Be it enacted by the National Council*, That it shall not be lawful for any free negro or mulatto, not of Cherokee blood, to hold or own any improvement within the limits of this Nation; neither shall it be lawful for slaves to own any property of the following description, viz: horses, cattle, hogs, or fire arms. And it is hereby made the duty of the Sheriffs of the several Districts, from and after the first day of June next, (1841) to sell, at public sale, to the highest bidder, after ten days notice, all such property as may be found owned by slaves, in violation of this prohibition: the proceeds of such sale to be paid to the said violator, after deducting eight per cent. for the Sheriff's fee.

And if any slave, free negro, or mulatto, not of Cherokee blood, shall introduce into the Nation, or sell, any spiritous liquors, it shall be the duty of the Sheriff of the District, upon being notified thereof, to waste or destroy such spiritous liquors, and to inflict thirty-nine lashes on the bare back of any such person, as above named, for so offending.

*Tahlequah, Nov. 7th*, 1840.

Approved—JNO. ROSS.

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*An Act to punish Robbery.*

*Be it enacted by the National Council*, That any person who shall be guilty of robbery, or shall by unlawful force deprive another of his property, money or effects, such person, upon conviction before any of the courts, shall be punished with not less than thirty-nine nor exceeding one hundred lashes, and be fined in a sum double the amount of damages sustained by the person injured, for the benefit of the person injured; and if any person shall attempt to rob by shooting at, or assaulting another with any dangerous weapon, such person, upon conviction, shall be subject to such corporeal punishment as the court shall deem proper, not exceeding one hundred lashes.

But if any person shall rob, or by unlawful force seize upon the property or effects of another, and shall, in so doing, wound or put in jeopardy the life of such other person by dangerous weapons, such person, so offending, shall, upon conviction thereof, suffer death.

*Tahlequah, Nov. 11th*, 1840.

Approved—JNO. ROSS.

*Be it enacted by the National Council,* That the third section of the "Act relative to schools," passed 26th September, 1839, be, and the same is hereby revived and continued in effect, for the purposes therein specified, until the next annual session of the National Council.

*Tahlequah, Nov. 12th,* 1840.

Approved—JNO. ROSS.

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*Resolved by the National Council,* That Alexander Foreman be, and he is hereby appointed and authorized to collect all public papers and records of the late Western Cherokee Nation, and deliver the same to the National Council at its next session.

Approved—JNO. ROSS.

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*An Act relating to Circuit and District Courts.*

CIRCUIT COURTS.

*Be it enacted by the National Council,* That the two Judicial Circuits already established be continued. The Northern Circuit shall be composed of Saline, Delaware, Going Snake and Tahlequah Districts—and the Southern, of Skin Bayou, Flint, Illinois and Canadian Districts; and the following places are designated in the several Districts for holding courts, viz:

In Skin Bayou, at or near Geo. Lowrey's on Skin Bayou.
In Illinois, at or near James Mackey's.
In Canadian, at or near Bird Pecker's.
In Flint District, at or near Ira Roger's.
In Tahlequah, at the town of Tahlequah.
In Going Snake, at or near Aggy Forester's.
In Delaware, at or near Charles Landrum's.
In Saline, at or near Sam'l Bell's place.

The Judges shall hold their respective Courts in Skin Bayou and Saline Districts, on the first Monday in May and September, and in Flint and Delaware Districts, on the second Monday in May and September. In Going Snake and Illinois Districts, on the third Monday in May and September,

and in Tahlequah and Canadian Districts, on the fourth Monday in May and September.

## DISTRICT COURTS.

*Be it further enacted,* That the District Court established in each District shall be held at the respective places designated for holding the Circuit Courts. The District Judges shall hold their respective Courts in Saline and Skin Bayou on the first Monday in January and July. In Flint and Delaware, on the second Monday in January and July. In Illinois and Going Snake, on the third Monday in January and July; and in Tahlequah and Canadian, on the fourth Monday in January and July.

*Be it further enacted,* That all suits which may be pending in any of the courts of the Nation heretofore established, shall be transferred to the place of holding courts in the District where the defendents of the suits respectively reside.

*Be it further enacted,* That all laws, or parts of laws, militating against this act are hereby repealed.

*Tahlequah Oct. 12th,* 1841.

Approved—A. M. VANN, *Acting Chief.*

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## *An Act regulating the Interest on Notes, &c.*

*Be it enacted by the National Council,* That all promissory Notes, Executions and Judgements, payable in cash, which may hereafter originate, shall bear interest at the rate of six per cent. per annum.

*Tahlequah, Oct. 15th,* 1841.

Approved—A. M. VANN, *Acting Chief.*

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## *An Act authorizing the appointment of Guardians for Insane Persons and Orphan Children.*

*Be it enacted by the National Council,* That in addition to the duties of the District Judges, they shall be required and authorized to appoint guardians for insane persons, and also for all orphan children, on application being made by some

competent and responsible person or persons for that purpose. The guardian or guardians so appointed shall be required to render in a schedule of all monies, property or other effects belonging to such insane person or persons, or orphan or orphans, and at least once annually thereafter. Such guardian or guardians, shall be required to give bond, with good and sufficient security, in a sum double the amount of the value of the property, money or other effects, agreeably to the schedule rendered in by such guardian or guardians, made payable to the District Judge or his successors in office, for the faithful discharge of his, her, or their duty as guardian or guardians.

*Be it further enacted*, That the property or other effects belonging to such insane person or orphan shall be valued by at least two disinterested persons, and that the District Judges shall be required to record all such bonds and schedules.

*Tahlequah, Oct. 12th*, 1841.

Approved—A. M. VANN, *Acting Chief.*

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*An Act for furnishing Provisions for the Council.*

*Be it enacted by the National Council*, That the Sheriff, who may be attending the Supreme Court, be required to let out to the lowest bidder, during the session of the annual Council, a contract for furnishing the Council, with corn, or meal, and salt. The contractors shall be required to enter into a bond, in a sum of one thousand dollars, with sufficient security, made payable to the Treasurer of the Nation, for a faithful compliance with the terms of their contracts.

*Be it further enacted*, That no person, not a citizen of the Nation, shall be entitled to bid for said contracts.

*Tahlequah, Oct. 9th*, 1841.

Approved—A. M. VANN, *Acting Chief.*

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*An Amendment to the Law defining Lawful Fences, passed in* 1839.

*Be it enacted by the National Council*, That any person

or persons, not having a lawful fence, who may be guilty of injuring or destroying the property of any person or persons, for breaking into the field of any person or persons, not having a lawful fence, shall be subject to pay to the owner or owners of such injured property, such damages as the Court of the District in which the parties may reside shall assess.

*Tahlequah, Oct. 13th*, 1841.

Approved—A. M. VANN, *Acting Chief.*

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*An Act relating to Public Cooks.*

*Be it enacted by the National Council,* That there be not exceeding six, nor less than that number of public cooks appointed at each annual Council hereafter: *Provided*, however, that in annual and called sessions of the Council, it shall be the duty of the Principal Chief to appoint more public cooks, should he deem a greater number necessary.

*Be it further enacted* That it shall be the duty of the Commissary to see that each of the public cooks faithfully discharge the duties required of them.

*Tahlequah, Oct. 11th* 1841.

Approved—A. M. VANN, *Acting Chief.*

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*An Act to Amend the Law passed 24th September*, 1839, *regulating the Public Domain.*

*Be it enacted by the National Council,* That it shall be unlawful, hereafter, for any person or persons, to cut down a pecan tree, unless for timber, or any other tree or trees uselessly; and any person who shall violate this act, shall be liable to pay a fine of ten dollars for every such offence—one half for the benefit of the informer, and the other half to be paid into the National Treasury.

*Be it further enacted,* That no person or persons shall be allowed to sell to citizens of the United States, any timber, rails, boards or stone, under the penalty of being liable to a fine in a sum of not less than fifty, nor exceeding two hundred dollars, for every such offence, at the discretion of the court,

for the benefit of the Cherokee Nation; *Provided*, that this act shall not be so construed as prohibiting any person or persons, from selling cord-wood to the steamboats.

*Be it further enacted*, That it shall also be unlawful for any person or persons, to set the woods on fire, from the fifteenth of October to the first of March, in each year; and should any person or persons be convicted, before any of the courts, of violating this act, he or they, shall be liable to be fined in a sum of ten dollars, one-half for the benefit of the informer, and the other half to be paid into the National Treasury.

*Tahlequah, Oct.* 13, 1841.

Approved—A. M. VANN, *Acting Chief.*

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*An Act relating to Licensed Traders, &c.*

Whereas, in the year one thousand eight hundred and thirty-four, the Congress of the United States enacted a law, known and styled as the Intercourse Law, to regulate trade with the Indian tribes, and whereas, it is enacted in the 22d section of said Law, that if an Indian is party on one side, and a white man on the other, the burden of proof shall rest on the white man; and in the 23d section, that it shall be lawful for the troops to be employed in the apprehension of any white man, who may become a party to a suit where an Indian is concerned; and have him conveyed to the nearest civil authority of the Territory, or Judicial District, in which the person may be found, to be proceeded against in due form of law:—Therefore,

*Be it enacted by the National Council*, That from, and after the passage of this act, if any licensed Trader, or person, not a citizen of the Nation, has, or may contract debts within the limits of the Nation, with a citizen thereof, it shall not be lawful for them to recover their debt or debts, in any of the courts of this Nation; and all laws or parts of laws, that may authorise the collection of such debts, are hereby repealed.

*Tahlequah*, 13*th Oct.*, 1841.

J. VANN, *Pres't Committee.*

Approved—A. M. VANN, *Acting Chief.*

## *An Act relating to Stud Horses, &c.*

*Be it enacted by the National Council,* That from and after the first day of March, 1842, it shall be unlawful for stud horses or jacks, to run at large, after they become two years old, under the penalty of having such studs or jacks, altered by any person or persons; and should such studs or jacks, die in consequence of being aftered, the person or persons, who may have altered such stud or jack, shall not be held accountable for the value of such stud or jack.

*Tahlequah, Oct. 18th,* 1841.

Approved—A. M. VANN, *Acting Chief.*

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## *An Act to amend an Act passed 4th Oct.,* 1839, *respecting Persons who may be summoned by an Officer.*

*Be it enacted by the National Council,* That any person or persons, who may be summoned to appear before any of the Courts, to give testimony, and shall refuse or fail to attend, unless on account of sickness or other lawful excuse, he, she or they, shall be fined, in a sum not less than five, nor more than one thousand dollars, at the discretion of the Court. And any person who may be summoned by an officer, to aid in the arrest of any criminal, and shall refuse, unless it shall be on account of sickness, or other lawful excuse, shall be fined fifty dollars.

*Be it further enacted,* That any person who may be summoned to assist in arresting criminals, shall be entitled to one dollar and fifty cents per day for his services, out of the National Treasury; and all persons summoned to give testimony in any of the Courts, shall be entitled, each to one dollar per day, during their attenance at Court, including going and returning home, to be paid by the person or persons, against whom Judgment may be rendered.

*Be it further enacted,* That any person who shall be summoned to serve as Juror, and fails, or refuses to attend court, unless on account of sickness, or other lawful excuse, shall be fined twenty-five dollars, which shall be paid into the National Treasury.

*Tahlequah, Oct. 15th,* 1841.

Approved—A. M. VANN, *Acting Chief.*

*An Act to amend an Act passed 24th September, 1839, exempting certain Property from Sale.*

*Be it enacted by the National Council,* That it shall not be lawful for any officer to levy on the house, farm, or any other improvements of any person or persons.

*Tahlequah, 15th October, 1841.*

Approved—A. M. VANN, *Acting Chief.*

——o:o——

*An Act to amend an Act passed September 23d, 1839, establishhing the Judiciary.*

*Be it enacted by the National Council* That after the adjourment of the present session of the Supreme Court of the Cherokee Nation, in the trial of appealed cases, the Supreme Court shall require the personal attendance of the witnesses: and the Circuit Judge shall be required, on granting appeals to the Supreme Court, to cause the witnesses to be summoned to attend the Supreme Court, and that there shall not be exceeding three witnesses to prove one point. All the testimony that may be taken down by the Clerk, in the Circuit Court of the Nation, shall also be sent to the Supreme Court.

*Tahlequah, October 15th,* 1841.

Approved 19 Oct., 1841—A. M. VANN, *Acting Chief.*

——o:——

*An Act relating to Persons returning to the Nation.*

*Be it enacted by the National Council,* That all Cherokees, and other persons, having Cherokee privileges, who may have been residing out of the limits of the Nation previously to the adoption of the Constitution, are hereby exempted from being required to memorialize the National Council for admission to the rights and privileges of citizenships, it is considered that they have the right of returning without the action of the Council.

*Tahlequah, October 15th,* 1841.

J. VANN, *President Nat'l Committee.*

Approved 19th Oct., '41:—A. M. VANN, *Act'g Chief.*

## *An Act Respecting Minors.*

*Be it enacted by the National Council,* That from and after the passage of this act, it shall not be lawful for any person or persons whatever, to trade with a minor or minors, for property of any description, under the penalty of paying double the value of the property bought from such minor or minors, for the benefit of the parties injured.

*Be it further enacted,* That it shall also be unlawful for any person or persons whosoever, to hire any minor or minors, without first obtaining the consent of his, or their parent or parents, guardian or guardians, under the penalty of being subject to pay damages to such parent or parents, gurdian or guardians, in a sum not exceeding double the amount of what such minor or minors, may be hired for.

*Be it further enacted,* That it shall not be lawful to assess damages as above, from any person or persons, who shall be able to prove to the Court, that he, she or they, were ignorant that they were trading with a minor or minors.

*Tahlequah, Oct. 15th,* 1841.

Approved—A. M. VANN, *Acting Chief.*

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## *An Act relating to the Compensation of the Circuit Judges.*

*Be it enacted by the National Council,* That the Circuit Judges shall be hereafter entitled to receive, out of the National Treasury, a compensation of two hundred and fifty dollars per annum for their services.

*Tahlequah, Oct. 15th,* 1841.

Approved—A. M. VANN, *Acting Chief.*

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## *An Act authorizing the appointment of Solicitors or Attorneys.*

*Be it enacted by the National Council,* That a Solicitor or Attorney be appointed or chosen by a joint vote of both houses of the National Council for each District, whose term of service shall be one year; and such Solicitor or Attorney, be-

fore he enters on the duties of his office, shall be commissioned by the Principal Chief.

*Be it further enacted,* That it shall be the duty of such Solicitor or Attorney, to prosecute, in behalf of the Nation, all persons charged with criminal offences, that may be brought before any of the Courts of the Nation. And such Solicitor or Attorney shall be entitled to twenty-five dollars for each criminal whom he prosecutes, and who is convicted of the crime of murder; and five dollars for each criminal that he causes to be convicted, charged with any criminal offence except murder, said fee to be paid out of the National Treasury.

*Be it further enacted,* That such Solicitor or Attorney, shall be required, before he enters upon the duties of his office, to take the following oath or affirmation,—"You do solemnly swear, that you, as Solicitor or Prosecuting Attorney for and on behalf of the Nation, will, to the best of your skill and ability, prosecute all persons charged with criminal offences, that may be brought before any of the courts in the District of ———, and that you will not take or receive, any remuneration of any person charged with any criminal offence, but will be faithful to the Cherokee Nation in all prosecutions, to the best of your ability; so help you God."

*Tahlequah, October* 18, 1841.

Approved—A. M. VANN, *Acting Chief.*

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*An Act authorizing the appointment of Patrol Companies.*

*Be it enacted by the National Council,* That from and after the passage of this act, it shall be lawful to organize patrol companies in any neighborhood, where the people of such neighborhood shall deem it necessary; and such company, when organized, shall take up and bring to punishment any negro or negroes, that may be strolling about, not on their owner's or owners' premises, without a pass from their owner or owners.

*Be it further enacted,* That any negro not entitled to Cherokee privileges, that may be found or seen carrying weapons of any kind, such as guns, pistols, Bowie-knives, butcher-knifes or dirks, such patrol company may take, and inflict

as many stripes as they think proper, not exceeding thirty-nine lashes.

*Tahlequah, Oct. 19th*, 1841.

Approved—A. M. VANN, *Acting Chief.*

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*An Act relating to Per Capita Money.*

*Be it enacted by the National Council,* That the head-right or *per capita* money due the Cherokee people by the United States' Government, shall be applied to no other purpose whatever, than an equal division among the citizens of the Cherokee Nation.

*Be it further enacted,* That the Principal Chief or Assistant Chief, be authorized, and is hereby required, to call on the United States' for a speedy payment of the same.

*Be it further enacted,* That in order to expedite the payment of said money, there shall be elected by the joint vote of the Council, a suitable person in each District to take the census of the Cherokee people in their respective Districts, who shall be entitled to three dollars per day for their services.

*Tahlequah, Oct. 19th*, 1841.

Approved—A. M. VANN, *Acting Chief.*

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*An Act Establishing the Seat of Government.*

*Be it enacted by the National Council,* That the seat of the Cherokee Government is hereby established at Tahlequah

*Tahlequah, Oct. 19th*, 1841.

Approved—A. M. VANN, *Acting Chief.*

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*An Act to fill Vacancies.*

*Be it enacted by the National Council,* That the Principal Chief be, and he is hereby authorized, upon the notification of the District Judge of any of the Districts, that a vacancy

exists in either of the houses of the National Council, by death or resignation of any of the members, to issue a writ of election to fill such a vacancy, which election shall be held in the District where such vacancy may exist.

*Tahlequah, Oct. 20th,* 1841.

Approved—A. M. VANN, *Acting Chief.*

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*An Act prohibiting the carrying of Weapons.*

*Be it enacted by the National Council,* That it shall not be lawful for any person or persons, citizens of this Nation, or others, to carry secret arms, such as Bowie-knives, spears, dirks or pistols of any kind, under the penalty of being subject to pay a fine not exceeding fifty dollars, nor less than ten, one half for the benefit of the informer, and the other half to be paid into the National Treasury—and that no property shall be exempted from satisfying such fines.

*Be it further enacted,* That this act shall not be construed as preventing or prohibiting any lawful officer of the Nation, when executing his duties, from carrying weapons of the above mentioned description, or any person who may be traveling on a journey. This act to take effect from and after the first day of January, 1842.

*Tahlequah, Oct.* 21, 1841.

Approved—A. M. VANN, *Acting Chief.*

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*An Act prohibiting the Teaching of Negroes to Read and Write.*

*Be it enacted by the National Council,* That from and after the passage of this act, it shall not be lawful for any person or persons whatever, to teach any free negro or negroes not of Cherokee blood, or any slave belonging to any citizen or citizens of the Nation, to read or write.

*Be it further enacted,* That any person or persons violating this act, and sufficient proof being made thereof, before any of the Courts, in this Nation, such person or persons, upon conviction, shall pay a fine for every such offence in

a sum not less than one, nor over five hundred dollars, at the discretion of the Court, the same to be applied to National purposes.

*Tahlequah, 22d October*, 1841.

Approved—A. M. VANN, *Acting Chief.*

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*An Act relative to Stone Coal.*

*Be it enacted by the National Council,* That from and after the passage of this act, Stone Coal shall be the common property of the Cherokee people, and that each Cherokee, or citizen of the Nation, shall be equally entitled to use the same.

*Be it further enacted,* That this act shall not be so construed, as authorizing or allowing any Cherokee or Cherokees, or other citizens of the Nation, to lease or rent, any mine of stone coal to any citizen or citizens of any other government; and that it shall be the duty of the Sheriffs of the several Districts to report any person not a citizen of the Nation, who may be guilty of taking stone coal, to the nearest military post, to be dealt with agreeably to the United States' laws.

*Be it further enacted,* That any citizen of the Nation, who may be guilty of leasing or renting any stone coal mine to any citizen of any other government, upon conviction before any of the Courts, shall be fined in a sum not less than five hundred, nor more than one thousand dollars, to be applied to National purposes.

*Tahlequah, October 22d*, 1841.

Approved—A. M. VANN, *Acting Chief.*

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*An Act defining the duties of Census Takers.*

*Be it enacted by the National Council,* That it shall be the duty of the Census Takers, to be appointed in, and for each District, to take down the name of the head of each family, and also the names of all composing such family, of all the citizens of the Cherokee Nation, including those of

the Cherokees who are living on what is called the neutral land, excluding all persons who are not entitled to citizenship in this Nation—such as free negroes, whites, or Indians of any other nation, who are not of Cherokee blood, who may be residing in the Nation.

*Be it further enacted,* That any person who may be guilty of giving in a greater number of names than he or she may be entitled to give in, or of giving in the name of any other than a lawful citizen of the Nation, and satisfactory proof being made to that effect, before any of the Courts, such person or persons, shall forfeit and pay a sum not less than double the amount they aimed to obtain.

*Be it further enacted,* That the persons so appointed, before they enter upon the duties of their appointment, shall be required to take the following oath:

"I, A. B., do solemnly swear that I will, to the best of my ability and skill, execute and perform the duties assigned me as census taker, without partiality to any person or persons whatsoever, and true return make of the same, so help me God."

*Be it further enacted,* That the census takers shall be required to make their returns to the Principal Chief: and the census takers shall not enter upon the duties of their appointment, until they are notified by the Principal Chief, that the Government are in readiness to pay over to the Cherokee people the head-right or *per capita* money due the Cherokees.

*Be it further enacted,* That the amount paid to each individual in rations, in the year 1840, shall be deducted out of the amount due those who may have drawn rations.

*Tahlequah, Oct. 25th,* 1841.

Approved—A. M. VANN, *Acting Chief.*

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*An Act prohibiting the Introduction and Vending of Spiritous Liquors*

*Be it enacted by the National Council,* That from and after the first day of January, 1842, the introduction and vending of ardent spirits in this Nation shall be unlawful; and any and all persons are prohibited from selling or retailing spiritous liquors within the limits of the Nation, under the penalty

of having the same wasted or destroyed by any lawful officer, or person authorized by the Sheriff for that purpose.

*Be it further enacted*, That any person or persons who may be found guilty before any of the courts of the Nation, for violating this act, shall be fined in a sum not less than ten, nor more than five hundred dollars, at the discretion of the court; one half to be paid to the informer, and the other half to be paid into the Treasury. Such informer shall be required to produce the evidence against persons so offending, and in case such informer fails to establish his, her or their charge, shall be liable to pay all cost attending such prosecution.

*Be it further enacted*, That nothing in this act shall be so construed as to violate any of the provisions of the Intercourse Law.

All laws militating against this act are hereby repealed.

*Tahlequah Oct. 25th*, 1841.

Approved—A. M. VANN, *Acting Chief.*

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## *An Act relative to Salines.*

*Be it enacted by the National Council*, That the first article of the law regulating the Salines in the Nation, passed 6th December, 1833, at Tollunteeskey, by the Committee and Council of the Western Cherokees, and sanctioned by their Chiefs, declaring all Salines in the Nation to be the common property of the Nation, be and the same is hereby continued in full force; *Provided*, that nothing contained in this clause shall be so construed as to deprive individuals of their rights, where they have obtained salt water by their own labor.

*Be it further enacted*, That there be appointed by the Principal Chief a suitable agent on the part of the Nation, invested with full authority to commence and prosecute an action at law for the possession of the Salines belonging to the Nation, which are now in the possession of individual citizens of the Nation, and claimed as their property.

*Be it further enacted*, That said agent, after obtaining possession of said Salines, be required to advertise at least sixty days, and rent to the highest bidder for the term of ten years, all Salines belonging to the Nation—which bidder shall be a citizen of the Nation, who shall be required to pay annually

to the Treasurer of the Nation one tenth of the amount said Salines may rent for, and give bond with good and sufficient security, in a sum double the amount, for a faithful compliance with his contract.

*Be it further enacted,* That the agent shall proceed to have valued, by two or three disinterested persons, all the metals, sheds, tools or other improvements necessary to the making of salt, and give the person to whom they belong a certificate of the amount of said valuation. And the agent so appointed, shall, at the next General Council, render in a schedule of the property so valued, with the prices annexed, which shall be paid for by the Nation.

*Be it further enacted,* That all the metals or improvements that may be added by any of the renters, at the expiration of the time for which the different Salines may be rented, shall be valued by agents to be appointed by the National Council, and paid for by the Nation.

*Be it further enacted,* That it shall not be lawful for any person or persons, to sink a well within one fourth of a mile of any of the Salines considered public property.

*Tahlequah, Nov. 2d,* 1841.

A. M. VANN, *Acting Chief.*

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*An Act relative to Public Schools.*

*Be it enacted by the National Council,* That for the purpose of placing the means of a common education within the reach, as nearly as possible, of every person, there shall be established throughout the Nation eleven common schools, according to the following ratio, viz: Two in Delaware District, two in Going Snake District, two in Flint District, one in Canadian District, one in Skin Bayou District, one in Illinois District, one in Tahlequah District and one in Saline District.

*Be it further enacted,* That there shall be elected by the National Council, once in every two years, a Superintendent of Schools for the Cherokee Nation, who shall appoint a Board of Directors for each School, consisting of three persons, who shall hold their office during good behavior.

*Be it further enacted,* That it shall be the duty of the Su-

perintendent of the Schools, to see that good comfortable School houses are erected, and such schools established as provided for above—to visit the schools so established at least twice in each year, and report their condition and progress annually to the National Council, to receive and receipt for all sums of money placed in his hands by the Treasurer of the Cherokee Nation, as a school fund, and disburse the same in defraying the expenses of the several schools herein provided for, allowing to each school not exceeding five hundred and thirty-five dollars.

*Be it further enacted*, That the Superintendent of the Schools, before he enters upon the duties of his office, shall give bond with sufficient security, to the amount of sixteen thousand dollars, for the faithful performance of the duties imposed upon him, which bond shall be executed to the Cherokee Nation.

*Be it further enacted*, That it shall be the duty of the Superintendent of the Schools to report annually to the National Council the amount of funds received by him from the Treasurer of the Cherokee Nation, the amount expended, and for what specific purposes expended.

*Be it further enacted*, That it shall be the duty of the Board of Directors of each school, to locate and superintend the building of such school houses in their respective Districts, as are herein provided for, and, with the concurrence of the Superintendent of Schools, to employ teachers for the respective schools, who they shall examine as to their competency to teach, and have power to dismiss from their office for ill conduct or failure to perform their duties. They shall also have power to prescribe the kinds of books to be used, and the branches to be taught in the several schools.

*Be it further enacted*, That it shall be the duty of the Board of Directors of each school to visit the schools under their care once in every three months. They shall also prescribe the amount of time to be employed in teaching, and the number and duration of vacations in each year.

*Be it further enacted*, That it shall be the duty of the Board of Directors of each school, to take up all orphan children, who may be within their respective bounds, and place them in some good steady family convenient to the school, which children shall attend, and be clothed and be boarded out of monies appropriated for the same; *Provided*, the expenses of

such children at each school does not exceed two hundred dollars per annum.

*Be it further enacted*, That the Superintendent of Schools shall receive for his services, from the school fund, the annual sum of three hundred dollars.

*Be it further enacted*, That no school, excepting in extraordinary cases, shall go into operation with less than twenty-five nor exceeding sixty scholars.

*Tahlequah, Dec. 16th*, 1841.

Approved—JNO. ROSS.

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## *An Act respecting Stray Property.*

Sec. 1. *Be it enacted by the National Council*, That it shall be the duty of the Sheriff of each District, to take and receive, post and advertise at three of the most public places in the District for public sale, all stray property, such as horses, jacks, jennies and mules, cattle, hogs, sheep and goats, that may be found in their respective Districts—giving the height, color, brands and marks, as precise as possible: and should the owner or owners of such property, so posted and advertised for public sale, not reclaim his, her, or their property so posted, within two months, the Sheriff shall proceed to sell the property so posted, at public sale, on a credit of six months. The purchaser or purchasers shall be required to give note, with good and sufficient security, payable to the National Treasurer; which note shall be placed in the hands of the Treasurer.

Sec. 2. *Be it further enacted*. That any person or persons whosoever, who may take up stray property, such as horses, jacks, jennies and mules, cattle, hogs, sheep or goats, shall be required to have the same posted within ten days after he, she, or they may take up any such property.

Sec. 3. *Be it further enacted*, That should any person or persons, taking up any stray property of the above description, fail to have the same posted within the time above specified, and should the said property be lost or injured, the person or persons, shall be held responsible for the same.

Sec. 4. *Be it further enacted*, That the Sheriff shall be entitled to one dollar for every horse, jack, jenny or mule, so

posted and advertised for sale, and for cattle fifty cents, and for hogs, sheep and goats, twelve and a half cents each.

Sec. 5. *Be it further enacted.* That it shall be the duty of the Sheriff in each District, to place in good hands all work horses and mules for keeping on account of their labor; or otherwise one dollar per week shall be allowed for keeping and feeding on forage, all posted stray horses, jacks, jennies or mules.

Sec. 6. *Be it further enacted,* That it shall be the duty of the District Judge in each District, to write down the testimony produced by the owner, or owners of stray property so posted and advertised for sale. And if the owner, or owners of the stray property so posted, [prove his, her, or their property,] he, she, or they, shall be required to pay all expenses for keeping, posting, &c.

Sec. 7. *Be it further enacted,* That should the owner, or owners of any stray property, that may be posted and advertised for sale, fail to prove his, her, or their property so posted and sold within eight months, it shall be the exclusive property of the purchaser or purchasers. But should the owner, or owners of such property so posted and sold, be able to prove property before the District Judge of the District in which the holder of the said property may reside, within six months after the expiration of eight months, he, she, or they shall be entitled to the proceeds of the sales of such property from the National Treasury, upon the certificate of the District Judge to that effect.

Sec. 8. *Be it further enacted,* That the expenses of keeping and posting, &c., of stray property shall be taken out of the proceeds of the sales of the same.

*Tahlequah, Oct. 11th,* 1841.

Approved—A. M. VANN, *Acting Chief.*

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*Resolution of the National Council—appointing Captain John Drew to command a force of* 100 *men, for the purpose of pursuing and arresting certain Negroes therein named.*

Whereas, the National Council have this day been informed, by good authority, that certain Negroes, belonging to Joseph Vann of Canadian District, and other citizens of

the Nation, have plundered their owners, bid defiance to the laws of the country, and absconded: thereby making their way to the Creek Nation,

*Be it therefore resolved by the National Council,* That Captain John Drew be, and he is, hereby appointed to command a company, which shall consist of *One Hundred* effective men, to pursue, arrest, and deliver over said negroes, to the commanding officer at Fort for safe keeping.

*Be it further resolved,* That if any or all of the said Negroes so pursued, shall resist the company, and one or all of them be killed, neither the Nation, the said company, nor any member thereof, shall be accountable for such act.

*Be it further resolved,* That the commandant and privates of said company, shall receive from the National Treasury such compensation as may be allowed by the National Council.

*Be it further resolved,* That the Principal Chief do communicate to the United States' Agent for the Cherokee Nation, and through him to the commanding officer at Fort Gibson. Also to communicate the same to the Chiefs of the Creek and Choctaw Nations.

*Be it further resolved,* That the Captain of said company be, and he is hereby authorized to purchase ammunition and supplies for the expedition, and to render his accounts to the National Council for payment, which shall be made out of the National Treasury:—Provided that the expedition be not unnecessarily protracted, and no needless expenses thereby incurred.

*Tahlequah, Nov.* 17*th*, 1842.

Approved—JNO. ROSS.

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*An Act to appropriate* $500, *to Captain John Drew.*

*Be it enacted by the National Council,* That the sum of Five Hundred dollars be, and is, hereby appropriated out of any money in the Treasury, not otherwise appropriated, for the purpose of defraying the expenses of Captain John Drew and Company, in pursuing certain runaway negroes specified in the act of Council of the 17th instant: and the Principal Chief is hereby authorized to draw a warrant for the same.

*Tahlequah,* 18*th Nov.*, 1842.

Approved—JNO. ROSS.

*An Act in regard to abandoned Improvements.*

*Be it enacted by the National Council,* That all improvements which may be left unoccupied by any person or persons, citizens of this Nation, and such person or persons, remove to another place, leaving no person or tenant on their former place for the term of two years, such place or improvements shall be considered abandoned, and revert to the Nation as common property; and any person or persons whatever, citizens of this Nation, may take possession of any such improvement so left—which shall thenceforward be considered their lawful property.

*Be it further enacted,* That should any person or persons, having possession of, and claiming an improvement, and another person or persons claiming the same, such claimant or claimants are required to commence an action by law, within twelve months after such person or persons take possession of said improvement so claimed, or otherwise their rights to such improvement is considered forfeited by this act.

*Be it further enacted,* That nothing in this act shall be so construed as to impair the rights of orphans.

*Tahlequah, Nov. 19th,* 1842.

Approved—JNO. ROSS.

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*An Act for filling the vacancy of Principal and Assistant Chiefs.*

*Be it enacted by the National Council,* That in case of the death, resignation, or inability of both the Principal and Assistant Chiefs to discharge their official duties, that the President of the National Committee shall hereby lawfully exercise the duties of Principal Chief until such vacancy or inability be removed, or such vacancy filled, according to the provisions of the Constitution.

*Tahlequah, Nov. 19th,* 1842.

Approved—JNO. ROSS.

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*An Act for a Pension for blind "Tarchursa."*

*Be it enacted by the National Council,* That a blind man,

now residing at Flute's, on Fourteen Mile creek, Tahlequah District, by the name of Tarchursa, shall receive a pension of thirty dollars annually during his life, to be paid out of the funds of the Cherokee Nation.

*Be it further enacted*, That the Hon. John Fletcher Boot is hereby appointed guardian for the said Tarchursa, who is hereby fully authorized to receive and disburse for his benefit, the amount above specified.

Approved—JNO. ROSS.

*Tahlequah, Nov. 19th*, 1842.

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*An Act in relation to several Districts*

*Be it enacted by the National Council*, That the act organizing the Cherokee Nation into eight Districts, and for holding elections, shall remain in force so as to govern the next election, with the following additions and change of precincts, viz:

*Skin Bayou District.*—Additional precinct at Tobacco Will's, on Leek's Creek; Judge Brown and Tobacco Will Superintendents.

*Flint District.*—Change of precinct from the Camp-meeting Ground to the Court House; Geo. Chambers and Andrew Adair, Superintendents; additional precinct at Sally Bark's; James Bigby, Sr., and George Blair Superintendents.

*Going Snake District.*—First precinct changed from Hair Conrad's to the Court House; Moses Downing and William Harnage, Superintendents. Second precinct changed from Rising Fawn's to the Meeting Ground, on Peavine; Geo. H. Starr and Jack Wind, Superintendents.

*Tahlequah District.*—An additional precinct at Thos. L. Rider's; Jeremiah Horn and Thos. L. Rider Superintendents.

*Delaware District.*—First precinct changed from J. Buffington's to Richard Taylor's; second precinct changed from Johnson Field's to Rev. Peter's; third and additional precinct, at the public School House, Honey Creek. John Ratcliff and Elijah Moore Superintendents.

*Saline District.*—First precinct changed from the Grand Saline to the Court House; Bluford West and Judge McNair Superintendents. Second precinct at Mrs. Ware's, on Spring

Creek; G. West and A. Bible, Superintendents. Additional precinct at Charles Coodey's; Isaac Bushyhead and Charles Coodey, Superintendents.

*Be it further enacted*, That so much of the act passed November 4th, 1840, entitled "an Act to organize," &c. &c., providing for the Superintendents to meet at the first named precinct, is hereby repealed, and the Court House, or place of holding courts in the several Districts, is hereby adopted,

*Tahlequah, Nov. 22d*, 1842.

Approved—JNO. ROSS.

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*Be it enacted by the National Council*, That from and after the passage of this act, it shall not be lawful for any person or persons, to charge another falsely or disgracefully with any act to the injury of their reputation; to wit, murder or being accessory thereto, robbery, theft, counterfeiting, or in any manner slandering for the purpose as above specified, shall upon conviction, be fined as hereafter provided.

*Be it further enacted*, That when any person or persons, are found guilty of violating the provisions of this act in any manner whatever, shall, upon conviction before any of the courts having jurisdiction of the case, be fined in a sum not less than five, nor exceeding five hundred dollars, at the discretion of the Court; such fine, when obtained, shall go to the party injured, and the costs of suits shall be paid by the party convicted.

*Tahlequah, Nov. 23d*, 1842.

Approved—JNO. ROSS.

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*An Act granting permission to the Moravian Board to establish a Missionary Station in the Cherokee Nation.*

*Be it enacted by the National Council*, That permission be, and is hereby granted to the Board of the Moravian Society at Salem, N. C., to erect a Missionary Station near the head of Spring Creek, on the Military road in this Nation, for the purpose of carrying on their labors in the instruction and improvement of the Cherokee people.

*Tahlequah, Nov. 24th*, 1842.

Approved—JOHN ROSS.

## *An Act against False Swearing.*

*Be it enacted by the National Council,* That from and after the passage of this act, should any person be found guilty of false swearing before or in any of the courts of this Nation, and undoubted or creditable testimony being made against any person or persons, charged with such offence in any court of this Nation, he, she or they so offending, shall, upon conviction, be deprived of holding any appointment of honor, trust or profit, under the government of this Nation, and debarred forever afterward from giving testimony in any of the courts.

*Be it further enacted,* That it shall require four respectable witnesses to convict any person or citizen of this Nation of perjury before any courts where he, she, or they may be brought for trial.

*Be it further enacted,* That it shall be the duty of the Judge before whom such person or persons have been convicted, to issue public notices to the several Districts, giving the name and residence, or some identity of the person so convicted, and also to enter it on the records of the court.

*Be it further enacted,* That when a person has a suit in court, and is cast in consequence of one or more of the witnesses giving false testimony, such person or persons so cast, shall, upon conviction of such witnesses before any court of the District, where such persons may be resident, according to the provisions of the above act, he, she, or they so injured, shall have the benefit of a new trial before the court where such case may have been decided.

*Tahlequah, Nov. 28th,* 1842.

Approved—JNO. ROSS.

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## *A Resolution in relation to a visit to Washington City by John Rogers.*

WHEREAS, the National Council have been informed from an undoubted source, that certain individuals, viz: Captain John Rogers, and other citizens of the Cherokee Nation, are on their way to Washington City, styling themselves representatives of the Western Cherokees—or "Old Settlers"—contrary to the "Act of Union" entered into between the

Eastern and Western Cherokees, and in which the said Captain John Rogers and his adherents acquiesced, on the 26th of June, 1840; and also contrary to the Constitution and laws of the Cherokee Nation,

*Be it therefore enacted by the National Council,* That the Principal Chief be, and he is, hereby requested to notify the Agent of the United States for the Cherokee Nation, for the information of the heads of the Government of the United States, that those individuals, viz: Captain John Rogers and others, have not been authorized by the Nation, and, therefore, any act of their's will not be binding on the Cherokee Nation.

*Be it further enacted,* That the Principal Chief aforesaid, notify the United States Agent that the National Council do protest against those individuals acting in any way whatever in a National capacity.

*Tahlequah, Nov. 28th,* 1842.

Approved—JNO. ROSS.

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## *An Act for Building Court Houses.*

*Be it enacted by the National Council,* That the Sheriffs and District Judges of the respective Districts, be, and are hereby authorized to have built, at the expense of the Nation, a Court House in each of the Districts, suitable for the purpose of holding the Courts of said Districts:—provided, that the cost of each Court House shall not exceed the sum of three hundred dollars.

*Be it further enacted,* That the said Sheriffs and Judges are hereby required to have the Court Houses built so soon as may be deemed expedient, and make their reports to the next annual session of the Nation Council.

*Tahlequah, November 30th,* 1842.

Approved—JNO. ROSS.

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## *An Act to authorize a General Convention of Neighboring Tribes of Indians.*

Whereas, it appears necessary for the mutual peace and

happiness of the several Tribes living contiguous to each other, and from their advancing state of civilization and continual intercourse among each other, that some plan be devised, and regulations adopted, for their good understanding, and securing mutual happiness among each other,

*Be it therefore enacted by the National Council* That the Principal Chief be, and he is hereby authorized to appoint two suitable persons from each District, as a Delegation on the part of the Cherokee Nation to confer with such delegate as may be appointed by the Creeks, Seminoles, Choctaws, Chickasaws, Osages, and such other Tribes as may deem it expedient, for the purpose of coming to some definite understanding for the adjudication of all unsettled business that may exist, and to enter into such international laws and regulations as may be deemed necessary for the welfare and prosperity of the respective tribes.

*Be it further enacted,* That the Principal Chief be, and he is hereby authorized to communicate with the Chiefs of the tribes above named, and determine with them the time and place most suitable for such meeting or conference.

*Be it further enacted,* That the said delegation shall report to the next General Council the result of the meeting of said tribes. And each delegate shall be allowed as compensation for his services, the same pay as is allowed to members of the National Council.

*Be it further enacted,* That one of the Executive Counsellors be appointed as a delegate over and above the number specified in the foregoing acts.

*Tahlequah, December 1st,* 1842.

Approved—JNO. ROSS.

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## *An Act against Sale of Land, &c.*

WHEREAS, the peace and prosperity of Indian Nations are frequently sacrificed or placed in jeopardy by the unrestrained cupidity of their own individual citizens, and, whereas, we ourselves are liable to suffer from the same cause, and be subjected to future removal and disturbances, therefore,

*Be it enacted by the National Council,* That any person or persons, who shall attempt to subvert the Government of

this Nation by conspiring to put down or resist the enforcement of the Constitution and laws, as prescribed by Legislative enactment, he or they so offending, shall, upon conviction thereof, before any legally constituted Court of this Nation, receive for each and every like offence, one hundred lashes on the bare back, and be forever after debarred from holding any office or station of trust or emolument under this government.

*Be it further enacted,* That any person or persons, who shall contrary to the will and consent of the Legislative Council of this Nation in General Council convened, enter into a treaty with any Commissioner or Commissioners of the United States, or any officer or officers instructed for the purpose, and agree to cede, exchange, or dispose in any way, or any part or portion of the lands belonging to or claimed by the Cherokees, west of the Mississippi, he or they so offending, upon conviction before any Judge of the Circuit, or the Supreme Courts *shall suffer death:* and any of the aforesaid Judges, are authorized to call a Court for the trial of any person or persons so transgressing.

*Be it further enacted,* That any person or persons, who shall violate the provisions of the second section of this act, and shall resist or refuse to appear at the place designated for trial, or abscond, are hereby declared to be outlaws: and any person or persons, citizens of this Nation, may kill him or them so offending, at any time and in any manner most convenient within the limits of this Nation, and shall not be held accountable to the laws for the same.

*Be it further enacted,* That if any person or persons of this Nation, shall, as aforesaid, enter into a treaty with the State Government, or the United States' Government for any object whatever, other than a cession or exchange of land, he or they, upon conviction before any legally constituted Court of this Nation, shall receive one hundred lashes on the bare back.

*Be it further enacted,* That no treaty shall be binding upon this Nation, which shall not be ratified by the General Council, and approved by the Principal Chief of the Nation.

*Tahlequah, December 2d,* 1842.

A. FIELDS, *Speaker Nat'l Council.*

Passed with the following amendment —

*Be it further enacted,* That nothing shall be so construed

in the foregoing acts, as to deny the rights vested in the authorities of the Nation by the first article, section first, of the Constitution.

*Tahlequah, December 5th*, 1842.

J. VANN, *Pres't Nat'l Committee.*

Concurred—A. FIELDS, *Speaker Nat'l Council.*

Approved—JNO. ROSS.

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*An Act in regard to Free Negroes.*

Sec. 1st. *Be it enacted by the National Council,* That it be made the duty of the Sheriffs of the several Districts of this Nation to notify all free Negroes who may be in this Nation, excepting such as may have been freed by our citizens, that they must leave the limits of this Nation by the first day of January, eighteen hundred and forty-three; or as soon thereafter as may be practicable.

Sec. 2d. *Be it further enacted,* That should any free Negroes, as aforesaid refuse to obey the order of any Sheriff or Sheriffs, it shall be the duty of such Sheriff or Sheriffs, to report such negro or negroes to the United States' Agent for the Cherokees, for immediate expulsion from the Nation.

Sec. 3d. *Be it further enacted,* That should any citizen or citizens of this Nation, free any negro or negroes, the said citizen shall be held responsible for the conduct of the negro or negroes so freed: and in case the citizen or citizens so freeing any negro or negroes, shall die or remove from the limits of this Nation, it shall be required of such negro or negroes, that he, she, or they give satisfactory security to any one of the Circuit Judges, for their conduct, or herein failing, he, she, or they shall be subject to removal as above specified.

Sec. 4th. *Be it further enacted,* That should any free negro or negroes be found guilty of aiding, abetting or decoying any slave or slaves, to leave his or their owner or employer, such free negro or negroes, shall receive for each and every such offence, one hundred lashes on the bare back, and be immediately removed from this Nation.

*Tahlequah, December 2d* 1842.

Approved—JNO. ROSS.

*An Act amending the Act passed the 24th September, 1839, exempting certain Property from Sale.*

*Be it enacted by the National Council,* That from and after the passage of this act, it shall not be lawful to expose at public sale, for debt or other purposes, any mechanical or manufacturing tools whatever.

*Tahlequah, December 3d,* 1842.

Approved—JNO. ROSS.

——o:o——

*An Act to exempt Property from Public Sale.*

SEC. 1st. *Be it enacted by the National Council,* That from and after the passage of this act, it shall not be lawful for any of the Sheriffs, deputy Sheriffs, or any other person, to advertise and sell any property by virtue of an execution, issued after the passage of this act, from any of the Courts of the Cherokee Nation, until after the expiration of two years from the date thereof.

SEC. 2d. *Be it further enacted,* That provided the United States' Government make a just settlement with the Cherokee Nation, of all dues due them, and pays over the money accordingly, then in that case this law shall be null and void.

*Tahlequah, December 5th,* 1842.

Approved—JNO ROSS.

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*Resolution to remove Canadian Court House.*

WHEREAS, application has been made for the removal of the Court House in Canadian District,

*Be it therefore resolved by the National Council,* That the Court House of Canadian District be removed to or near Webber's Falls.

*Tahlequah, Dec. 7th* 1842.

J. VANN, *Pres't Nat. Committee.*

A. FIELDS, *Speaker Nat. Council*

*An Act in relation to the Salary of the Clerk of the Supreme Court, &c.*

*Be it enacted by the National Council,* That the Clerk of the Supreme Court be allowed out of the National Treasury a salary of twenty-five dollars a year, in addition to what is allowed per day for his services.

*Tahlequah, Dec. 8th,* 1842.

Approved—JNO. ROSS.

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*Resolution of the Committee and Council respecting Creeks and Seminoles within the limits of the Cherokee Nation.*

WHEREAS, the National Council has been informed that there has been many complaints rendered to the Agent, that the Creeks and Seminoles have, and are now committing depredations on the property of the Cherokees, and the Agent has asked advice of the National Council on the subject of their removal,

*Be it therefore resolved by the National Council,* That the Principal Chief be, and he is hereby authorized to notify Gov. P. M. Butler, Cherokee Agent, that the National Council has thought proper to take no definite action at present, either admitting or ejecting said Creeks and Seminoles, until the conference which is contemplated with the different tribes, shall have been held.

*Tahlequah Dec.* 10*th*, 1842.

Approved—JNO. ROSS.

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*An Act to Translate the Laws of the Cherokee Nation into the Cherokee Language.*

SEC. 1. *Be it enacted by the National Council,* That an act passed the 5th October, 1839, authorizing the Principal Chief to appoint suitable persons to translate the Constitution and Laws of the Cherokee Nation, be revised and amended.

SEC. 2d. *Be it further enacted,* That the Principal Chief

be, and he is hereby further authorized, to select two suitable persons to translate all the Eastern and Western (termed Old Settlers) laws, including all the laws which have been passed since the act above referred to, into the Cherokee language, and also to revise the Constitution and Laws, which have already been translated, and to have the same printed in one book, for the immediate and general information of the people, both in the English and Cherokee languages, as soon as the translation shall be finished.

SEC. 3d. *Be it further enacted,* That there be five hundred copies printed, to be paid out of the National Treasury —and that the translators shall receive three dollars per day, while in actual service, payable out of the National Treasury.

SEC. 4th. *Be it further enacted,* That there be five hundred copies of the Principal Chief's Message printed, both in the English and Cherokee languages, to be distributed to the several Districts by the Principal Chief, payable out of the National treasury.

*Tahlequah, Dec. 14th,* 1842.

Approved—JNO. ROSS.

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*A Resolution fixing the compensation of Captain John Drew and Company.*

*Be it resolved by the National Council,* That Captain John Drew be allowed four dollars per day—and his company each two dollars per day, for their services in pursuing, capturing and guarding, certain runaway negroes, who absconded from their owners in Canadian District.

*Tahlequah, Dec. 17th,* 1842.

Approved—JNO. ROSS.

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*Resolution for the Chief to call on the Government of the United States for eight Mills.*

*Be it resolved by the National Council,* That the Principal Chief be, and he is hereby authorized to call upon the United States' Government, through the proper organs, for the erec-

tion of the eight Railway Mills, in the Cherokee Nation, according to the provisions of the treaty of 1833.

*Be it further resolved*, That the said mills be erected at or near the places of holding Courts in the several Districts.

*Tahlequah*, 19*th Dec.*, 1842.

Approved—JNO. ROSS.

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*A Bill on the subject of an Orphan School.*

WHEREAS, it is deemed expedient that schools for the education of Orphans exclusively, be established as near to the town of Tahlequah, as suitable sites can be procured, therefore,

*Be it enacted by the National Council*, That in order to provide for the education of destitute orphans, the Superintendent of Public Schools and a committee of two persons, be appointed by the Principal Chief, to associate with him: and they are hereby authorized and required to draft a system of education on the Manual Labor plan, applicable to the condition and wants of the destitute orphans of our country—both male and female. Also, to procure information in regard to suitable sites for the location of the contemplated institutions, and the probable cost of such buildings, as may be required for their accommodation. Should any suitable locations be found, already improved, they will describe the improvements, and state the probable cost of the premises, and of such additional buildings as may be required, together with any other information they may be able to procure on the subject, and report to the next meeting of the National Council.

*Tahlequah, Dec.* 19*th*, 1842.

Approved—JNO. ROSS.

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*Resolution on the subject of a Petition from Delaware District.*

WHEREAS, the citizens of Delaware District have petitioned to the National Council to call on the Principal Chief, to

report to the National Council what amount of money, he has received of the United States' Government, and what disposition he has made of the same, and the Principal Chief having reported to the National Council; therefore,

*Be it resolved by the National Council*, That eighteen hundred copies of said report be printed in the Cherokee and English languages, for the information of the Cherokee people, and when completed to be paid for out of the National Treasury: one hundred copies to be distributed in each District.

*Be it further resolved*, That the Principal Chief is authorized to appoint some suitable person to translate said report, and when printed, to distribute the same as above provided for.

*Tahlequah, Dec. 22d*, 1842.

Approved—JNO. ROSS.

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*An Act for the benefit of certain Blind Persons.*

*Be it enacted by the National Council*, That all blind persons, citizens of the Cherokee Nation, that are destitute of the means of clothing, be, and they are hereby allowed a pension of thirty dollars annually out of the National Treasury.

*Be it further enacted*, That the District Judges be authorized to appoint Guardians for all blind persons they may find in their respective Districts, and to take a bond and sufficient security for the faithful discharge of their duties as Guardians. All laws and parts of laws militating against this act, are hereby repealed.

*Tahlequah, Dec. 23d*, 1842.

Approved—JNO. ROSS.

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*An Act for Public School Appropriation.*

*Be it enacted by the National Council*, That the sum of two thousand two hundred and fifty seven dollars and thirty cents be, and the same is hereby appropriated out of any monies in the Treasury belonging to the school fund, not

otherwise appropriated, for the purpose of defraying expenses incurred by the Superintendent of Public Schools for the year Eighteen Hundred and Forty-two.

*Tahlequah, December 23d*, 1842.

Approved—JNO. ROSS.

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*Be it enacted by the National Council*, That the sum of five thousand eight hundred dollars be, and the same is hereby appropriated out of any monies in the Treasury belonging to the school fund, not otherwise appropriated for the purpose of defraying the National expenses of the Superintendent of Public Schools for the year 1243—and the Principal Chief is hereby authorized to draw a warrant for the same.

*Be it further enacted*, That the sum of three hundred dollars be, and the same is hereby appropriated out of the school fund, as the salary of the Superintendent of Public Schools for the year 1842, and the Principal Chief is hereby authorized to draw a warrant for the same.

*Be it further enacted*, That the sum of twenty-two hundred dollars be, and the same is hereby appropriated out of the Orphan School Fund, not otherwise appropriated, to be expended for the board and clothing of orphan children in the several public schools of the Cherokee Nation; and the Principal Chief is hereby authorized to draw a warrant for the same.

*Tahlequah, Dec. 23d*, 1842.

Approved—JNO. ROSS.

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*Resolution authorizing George W. Adair to enquire of the Agent, &c.*

*Be it resolved by the National Council*, That G. W. Adair be, and he is hereby authorized and requested to make the inquiry from the United States' Agent, for Books and Records made and kept by the Committee of Thirteen at New Echota, and the Cherokee Agency East, carrying out the treaty of 1835, for the information of the people, also the Books and Records made out and kept by the Commissioners of the United States.

*Be it further resolved,* That the same shall be reported to the National Council in 1843, agreeably to the sundry petitions laid before the present session of the General Council on the subject of head right or *per capita* money, if any.

*Tahlequah, Dec. 24th,* 1842.

Approved—JNO. ROSS.

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*Resolution respecting the printing of the Principal Chief's Message.*

*Be it resolved by the National Committee and Council,* That the Principal Chief be, and he is hereby authorized to have five hundred copies of his annual Message published in the English and Cherokee languages.

*Tahlequah, October 10th,* 1843.

CHARLES COODEY, *Pres't Committee.*
JAMES M. PAYNE, *Speaker Council.*

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*An Act to organize Police Companies.*

Sec. 1st. *Be it enacted by the National Council,* That there be forthwith organized eight Police Companies, each of which shall be composed of twenty-five armed men, whose duty it shall be to preserve order and peace throughout the country, to apprehend and bring to justice all violators of the laws, and all persons guilty of crimes or misdemeanors, or who aim at, or threaten the quiet of the people, or unlawfully jeopardize their persons or property.

Sec. 2d. *Be it further enacted,* That each company aforesaid shall be under the command of one Captain and one Lieutenant, who shall be elected by joint vote of the National Council. Each Captain shall raise his own company. In case of the death, resignation or inability of any Captain, the Lieutenant of such Company shall assume the command.

Sec. 3d. *Be it further enacted,* That the said companies and officers shall be under the command of a Head Captain, to be elected in manner above prescribed, who shall inspect the companies, instruct them in their duties, and in the exer-

cise of vigilance in ferreting out and bringing such persons to justice. Whenever occasion requires, he shall concentrate as many of the companies at any place, as he may deem necessary for sustaining the laws and interests of the Nation. He shall be subject to the orders and instructions of the Executive, advise with him, and regularly report to him whatever information he may possess relative to the movements of the companies, and the conduct of citizens offending against the peace and dignity of the Cherokee Nation.

Sec. 4th. *Be it further enacted*, That the Head Captain shall receive three dollars, each Captain two dollars, each Lieutenant one dollar and fifty cents, and each private one dollar per day, while engaged in actual service. The term of service of said companies shall be twelve months; but if the state of the country should justify it, the Executive may discharge as many of the companies, or members thereof, as he may deem expedient.

Sec. 5th. *Be it further enacted*, That the Captains aforesaid shall make monthly returns to the head Captain, of the expenses of their respective companies for horse-shoeing and ferriages. Provision and forage to be bought at the cheapest rates. Said returns to be transmitted regularly by the Head Captain to the Principal Chief.

Sec. 6th. *Be it further enacted*, That all the officers aforesaid shall be commissioned according to rank by the Principal Chief, and by oath to support the Constitution and laws of the Cherokee Nation.

*Tahlequah, Oct. 12th*, 1843.

Approved—JNO. ROSS.

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*An Act for the punishment of harboring Criminals, and for other Crimes.*

Sec. 1st. *Be it enacted by the National Council*, That from and after the passage of this act, if any person or citizens of the Cherokee Nation, shall harbor, or conceal any person or persons charged with murder, robbery, or conspiracy, or assist, or afford any facility in the escape of any criminal offender, from arrest, shall upon conviction before any of the legal Courts of this Nation, be subject to such corpo-

real punishment as the Court may deem proper, according to the magnitude of the offence, which shall not be less than thirty-nine lashes on the bare back; but when the charge is for a capital offence, the penalty shall be one hundred lashes on the bare back, and the costs of suit shall be collected off the person so convicted.

SEC. 2d. *Be it further enacted,* That if any person or persons shall attempt to rescue a criminal from arrest, or afford any means for his escape before lawful liberation, he shall be subject to trial, as being accessary to the crime of the offender, and punished according to the mode of punishment prescribed by law.

*Tahlequah, 12th Oct.,* 1843.

Approved—JNO. ROSS.

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*An Act to amend an act entitled, "An Act for the Punishment of Criminal Offences."*

*Be it enacted by the National Council,* That an act passed 19th September, 1839, for the punishment of criminal offences, be, and is hereby amended in the third section—to read as follows, viz: That upon trial and conviction of any person charged with the offence of having attempted or committed a rape on any female, he shall be punished with one hundred lashes on the bare back; and upon the conviction of any negro for the aforesaid offence against any free female not of negro blood, he shall suffer death by hanging.

*Tahlequah, Oct. 23d,* 1843.

Approved—JNO. ROSS.

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*An Act to prevent the Sale of Property belonging to the Husband or the Wife, for the Debts of the Other.*

*Be it enacted by the National Council,* That it shall not be lawful to expose at public sale by virtue of an execution obtained from any of the Courts of this Nation, any property belonging to a Cherokee woman, a citizen of this Nation, to satisfy the debts of her husband; nor property of the husband

to satisfy the debts of his wife, without his or her consent; and should an officer levy on any property, that shall be claimed by another, the person so claiming shall be required to establish his or her right before any of the Judges.

*Tahlequah, Oct. 25th*, 1843.

Approved—JNO. ROSS.

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*An Act to establish a Printing Press and to regulate the National Newspaper.*

Sec. 1st. *Be it enacted by the National Council*, That there be established at Tahlequah, as soon after the passage of this act as may be practicable, a printing press for the publication of a weekly newspaper in the English and Cherokee languages, which shall be called "The Cherokee Advocate," the object of which shall be the dissemination of useful knowledge among the Cherokee people, and sending abroad correct information of their condition, and of passing events generally among the different Indian tribes.

Sec. 2d. *Be it further enacted*, That there shall be elected by the National Council, for the term of four years, an Editor who shall exercise control over the whole establishment, receive all subscription money, and account quarterly to the National Treasurer for the same, and make annually, to the National Council, a full report of the condition of the paper and its interests. He shall support and defend the National rights of the Cherokees, and those recognized in all acknowledged treaties with the United States, and such measures as will in his opinion conduce to their best interests, in a moral and civil point of view. The management of the press, types, and all the apparatus connected therewith shall be subject to such rules and regulations as the Editor may deem expedient to devise, as he in all matters pertaining to the establishment not herein specified, is expressly empowered to use his discretion, in order that the Nation may be benefitted by the institution.

Sec. 3d. *Be it further enacted*, That the Principal Chief be, and he is hereby authorized to appoint a suitable person whose duty it shall be to translate into the Cherokee language, for weekly publication, such laws, public documents, and oth-

er articles, as the Editor may submit to him for that purpose. The Principal Chief is also hereby further authorized to appoint a National Printer and a Journeyman Printer, who shall be men of steady and industrious habits, and who shall publish such articles only as the Editor may submit to them, or as have received his approbation.

SEC. 4. *Be it further enacted*, That there shall be received into the office, by appointment of the Principal Chief, as apprentices to the art of printing, three Cherokee youths of moral character and industrious habits, and two of whom, at least, shall be familiar with the Cherokee language. The term of apprenticeship of said youths shall be four years, during which time they shall be supported and comfortably clothed by the Nation, and allowed at the expiration of their time, fifty dollars each, out of the National Treasury.

SEC. 5. *Be it further enacted*. That the Editor shall receive for his services five hundred dollars, the National Printer and Translator four hundred dollars each, and the journeyman printer three hundred dollars per annum. And they shall be required to enter into bond for double the sum of their respective salaries, with approved security for the faithful performance of their several duties.

Approved—JNO. ROSS.

*Tahlequah, Oct. 25th*, 1843.

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*An Act fixing the Terms of the Cherokee Advocate.*

*Be it enacted by the National Council*, That the terms of the Cherokee Advocate shall be three dollars per annum, in advance, excepting those subscribers who read only the Cherokee language, and they shall pay two dollars per annum, in advance.

Approved—JNO. ROSS.

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*An Act to lay off Tahlequah Council Ground into Town Lots, and to dispose of the same.*

SEC. 1st. *Be it enacted by the National Council*, That one

quarter section of land, including Tahlequah Council Ground, be, and the same is hereby set apart as National property, to be disposed of as herein after prescribed.

Sec. 2d. *Be it further enacted*, That the Principal Chief be, and he is hereby authorized to appoint one suitable Surveyor and two chain carriers, by the first of December next, to survey and lay off into town lots, the above quarter section of land, in such manner and form as the Principal Chief and Surveyor may think most proper and convenient, making the present public square the centre from north to south; the eastern boundary of said quarter section shall not extend east beyond the spring branch or hollow.

Sec. 3d. *Be it further enacted*, That it shall be the duty of the Principal Chief to select and reserve as many lots as he may think necessary for the erection of public buildings and for other public purposes; and that the remaining lots, or as many thereof as the Principal Chief may think advisable, shall be sold at Tahlequah, by the Sheriff of Tahlequah District, at public sale to the highest bidder, after such sale has been advertised at two or more public places in each District for thirty days. The terms of sale shall be as follows: one-fourth to be paid at the time of the purchase, and the remaining three-fourths to be paid in equal instalments of six months each, the proceeds of sale shall be placed in the National Treasury, and warrants on the National Treasury shall be received as payment. And it shall further be the duty of the Principal Chief at the full payment of all the instalments to issue to the purchaser a certificate of occupant right only, and transferable only to citizens of the Cherokee Nation. In case any purchaser fails to pay the enstalments as they fall due, the lot or lots with the improvements thereon, shall revert and become National property, and the purchaser shall forfeit the purchase money. All reverted lots shall be resold as above.

Sec. 4th. *Be it further enacted*, That if any of the present buildings fall on any of the lots not purchased by the present occupants, they shall have the right of remaining or disposing of their labor, except those falling into the streets, which shall be removed.

Sec. 5. *Be it further enacted*, That Thos. B. Wolf shall be entitled to a lot or lots on which his house may stand, by paying into the National Treasury the value of the same, to be assessed by three disinterested persons appointed by the

Principal Chief, payments to be made as specified in the third section of this act.

SEC. 6th. *Be it further enacted,* That the Surveyor shall receive for his services five dollars per day, and the chain carriers each one dollar per day.

Approved—JNO ROSS.

*Tahlequah, Oct. 28th,* 1843.

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*An Act to Amend an Act, authorizing the appointment of Solicitors.*

*Be it enacted by the National Council,* That an act passed October 18th, 1841, authorizing the appointment of Solicitors, be, and is hereby amended. The Solicitors hereafter shall receive twenty-five dollars in the prosecution of capital offences, when the criminal is convicted; and if not convicted ten dollars. Also ten dollars in the prosecution of criminal offences when convicting the criminal, and five dollars if not convicted.

*Be it further enacted,* That so much of the law of 1841 as prescribes for the payment of Solicitors be, and the same is hereby repealed.

Approved—JNO. ROSS.

*Tahlequah, Oct. 30th,* 1843.

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*An Act in reference to Salines.*

SEC. 1st. *Be it enacted by the National Council,* That all Salines within the limits of the Cherokee Nation, except the one granted by the Treaty of 1828, are the property of the Nation; and no person shall have the right to work or improve any Saline, or manufacture salt without having first obtain special permission for that purpose from the National Council, or its authority. No person shall hold or possess any individual right to any Saline whatever, except as may hereafter be provided for by law.

SEC. 2d. *Be it further enacted,* That all the Salines aforesaid, shall be leased out for the term of ten years, together

with such improvements as may be connected therewith as herein after named, to a citizen or citizens of this Nation, nor shall it be lawful for any but a citizen to be interested in a lease, and the same person shall not be interested in a lease of more than one Saline. The proceeds derived from leases shall be paid annually into the National Treasury, as other public funds of the Nation.

Sec. 3d. *Be it further enacted*, That any person or persons, who shall obtain a lease, shall enter into bond with sufficient security, in a sum double the amount of his lease, for the ten years, for the annual payment of one-tenth of the sum for which he may rent any Saline. And in case of failure to comply with the terms of his engagement, he shall be sued, and an amount equal to two years' rent of Saline recovered, and his lease become thereby forfeited. If any lessee should fail to give satisfactory security within ten days after the day of leasing any Saline, it shall again be leased out after having been advertised fifteen days. All improvements which may be made, and buildings erected at any of the Salines by the lessee shall at the expiration of his lease belong to the Nation—but all salt kettles or metals of the lessee shall remain his private property, and be subject to his disposition.

Sec. 4th. *Be it further enacted*, That the lessee of a Saline shall have the free use of as much timber as may be necessary for the purpose of Salt making, and all improvements that may have been made by citizens of the Nation within a half mile of any Saline, and which may tend to obstruct or interfere with the necessary and proper operations of the lessee, shall be appraised by such persons as may be authorized for that purpose by the Principal Chief, at a fair valuation, and the amount so appraised shall be paid to such citizen by the Nation, and his removal ordered.

Sec. 5th. *Be it further enacted*, That the Principal Chief shall appoint an Agent for the Nation, who is hereby authorized and directed to lease out the Salines in accordance with the above provisions, and he shall advertise the same by the 1st day of January, 1844. Before such leases shall be made, the Agent shall publish a notice generally throughout the Nation, for at least thirty days, designating the time and place for attendance to receive bids. The person bidding highest shall have the lease. Any person failing to enter into bond as above provided shall forfeit his bid and right of lease. All

bonds shall be made payable to the National Trsasurer, and placed in his possession.

SEC. 6th *Be it further enacted,* That if any person who has obtained a lease and executed his bond as above required, shall be prevented or interrupted by any one in taking possession of such Saline so leased, it shall be the duty of the Sheriff of the District in which it may be located, to place him in possession and to remove or prevent any further molestation or interruption of such lessee.

SEC. 7. *Be it further enacted,* That the law passed 4th November, 1841, on the subject of Salines be, and the same is hereby repealed, as well as the provisions of all other laws contrary to this act.

*Tahlequah, Oct. 30th,* 1843.

Approved—JNO ROSS.

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*An Act to amend an Act prohibiting the introduction of Spirituous Liquors.*

*Be it enacted by the National Council* That an act passed 25th October, 1841, prohibiting the introduction and vending of spirituous liquors, be and is hereby continued in full force, and so amended as to authorize the Sheriffs or lawful officers of the several Districts, to procure search warrants, authorizing the entering and examining of any house, when there is good reason for believing that spirituous liquors are therein concealed.

*Tahlequah, October 31st,* 1843.

Approved—JNO. ROSS.

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*An Act to repeal an act defining the duties of Census Takers.*

*Be it enacted by the National Council,* That an act passed October 25th, 1841, entitled "An act defining the duties of Census Takers," be, and the same is hereby repealed.

*Tahlequah, November 2d,* 1843.

CHARLES COODEY, *Pres't Committee.*

Approved—JNO. ROSS.

## *An Act to amend an Act relative to Stone Coal.*

*Be it enacted by the National Council,* That an act passed 22d of October, 1841, entitled an act relative to Stone Coal, be, and the same is hereby repealed, excepting the first section, which declares that stone coal shall be the common property of the Cherokee people, and that each citizen of the Nation shall be equally entitled to use the same.

*Tahlequah, November 2d,* 1843.

Approved—JNO. ROSS.

———oo———

## *Compact between the several Tribes of Indians.*

WHEREAS, the removal of the Indian Tribes, from the homes of their fathers, east of the Mississippi, has there extinguished our ancient Council Fires, and changed our positions in regard to each other, and

WHEREAS, by the solemn pledge of Treaties, we are assured by the Government of the United States, that the lands we now possess shall be the undisturbed home of ourselves and our posterity forever, therefore,

We, the authorized representatives of the several Nations, parties hereunto, assembled round the Great Council Fire, kindled in the West at Tahlequah; in order to preserve the existence of our race, to revive and cultivate just and friendly relations between our several communities, to secure to all their respective rights, and to promote the general welfare, do enter into the following compact

SEC. 1st. Peace and friendship shall forever be maintained between the Nations, parties to this compact, and between their respect citizens:

SEC. 2d. Revenge shall not be cherished nor retaliation practiced, for offences committed by individuals.

SEC. 3d. To provide for the improvement of our people in Agriculture, Manufactures, and other domestic arts, adapted to promote the comfort and happiness of our women and children a fixed and permanent location on our lands, is an indispensable condition. In order therefore, to secure these important objects, to prevent any future removal, and to transmit to our posterity an unimpaired title to the lands guar-

anteed to our respective Nations by the United States—We hereby solemnly pledge ourselves to each other, that no Nation, party to this compact, shall, without the consent of all the other parties, cede, or in any manner alienate, to the United States, any part of their present Territory.

Sec. 4th. If a citizen of one Nation, commits wilful murder, or other crime, within the limits of another Nation, party hereto, he shall be subject to the same treatment as if he were a citizen of that Nation.

In cases of property stolen, or taken by force or fraud, the property, if found, shall be restored to the owner; but if not found, the convicted person shall pay the full value thereof.

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

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

Sec. 7th. Any citizen of one Nation may be admitted to citizenship in any other Nation, party hereto, by consent of the proper authorities of such Nation.

Sec. 8th The use of Ardent Spirits, being a fruitful source of crime and misfortune, we recommend its suppression within our respective limits, and agree that no citizen of one Nation, shall introduce it into the territory of any other Nation, party to this compact.

Done in General Council, around the Great Council Fire at Tahlequah, Cherokee Nation, this the 3d day of July, 1843.

REPRESENTATIVES OF THE CHEROKEES.

Hair Conrad, his x mark,
Samuel Downing, his x mark,
Turtle Fields, his x mark,
Stop, his x mark, Thomas Foreman,
Tobacco Will, his x mark,
Thomas Woodward, his x mark,
Dutch, his x mark,
Michael Waters,
John Looney, his x mark,
George Lowrey,
J. Vann,
Archibald Campbell, his x mark,
Old Field, his x mark,
Charles Coodey.

REPRESENTATIVES OF THE CREEKS.

Tus-ta-nug-gee Mathla, his x mark,
In-ther-nis Harjo, his x mark,
Ho-ler-ter Micco, his mark,
Ho-tul-ca Harjo, his x mark,
Ufalar Harjo, his x mark,
Chilly McIntosh,
Dak-cun Harjo, his x mark.

REPRESENTATIVES OF THE OSAGES.

Alexander Chouteau, Osage Int.
Shin-ka-wa-sah or Belvazo, his x mark,
Black Dog, his x mark,
Gren-sun-tah, his x mark,
Gra-tun-e-sah, his mark.

BE IT KNOWN, that the National Council of the Cherokee Nation, in Annual Council convened, have this day approved and confirmed the within articles of a compact entered into the day and date therein named, by the authorized Representatives of the Nations, parties thereunto.

Done in National Council at Tahlequah, Cherokee Nation, this second day of November, A. D., One Thousand Eight Hundred and Forty-three.

CHARLES COODEY, *Pres't Nat. Com.*
JAMES M. PAYNE, *Speaker Nat. Council.*
Approved—JNO. ROSS.

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*An Act to amend an Act passed December the 5th,* 1842, *for the Punishment of Offences therein named.*

*Be it enacted by the National Council,* That the first section of an Act passed December the 5th, 1842, for the punishment of offences therein named be, and is hereby amended to read as follows: That any person or persons, citizens of this Nation, who shall attempt to subvert the Government of this Nation by resisting the enforcement or conspiring to put down the Constitution and laws as prescribed by legislative enactment, he or they so offending, shall upon conviction, before any legally constituted Court of this Nation, suffer death by hanging. Nothing in this amendment shall be so construed as to destroy or impair the force and virtue of the first section of the act above referred to, in the trial of any person or persons who may have been guilty of a violation thereof before the passage of this act.

*Tahlequah,* 16*th Oct.,* 1843.

Approved—JNO. ROSS.

### *An Act to debar Contested Claims.*

*Be it enacted by the National Council,* That all contested claims, which shall not be set forth, or demanded by the claimant or claimants, within two years after such claim or claims may be alleged to have existed; shall be null and void and not recoverable by law: Provided that this act shall not be so construed as to impair contracts, or bar any person from recovering any note of hand or liquidated accounts, at any time after the limitation herein specified.

*Tahlequah, November 7th,* 1843.

Approved—JNO. ROSS.

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### *An Act for the benefit of Robert Benge, of Skin Bayou District.*

*Be it enacted by the National Council,* That the sum of Ninety dollars be, and the same is hereby appropriated out of any money in the National Treasury belonging to the School Fund, not otherwise appropriated, for the benefit of Robert Benge for teaching school in Skin Bayou District from the 11th of September to the 11th of December, 1843.

*Tahlequah, November 7th,* 1843.

Approved—JNO. ROSS.

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### *An Act to alter the Line between Flint and Skin Bayou Districts.*

*Be it enacted by the National Council,* That from and after the passage of this act, the line between Flint and Skin Bayou Districts shall be as follows—to wit: Commencing at the point on Salisaw Creek where the Rogue's Path crosses, thence along said path to within ten yards of Sen-e-kah-wee's house, leaving Sen-e-kah-wee's in Skin Bayou District, thence in a direct line to a point one hundred yards north of Edward Still's, thence in a direct line to Corn Tassel's in Flint District; thence in a direct line to the Yellow Springs, thence to George Still's wagon road, leading to Stone's Saw Mill,

along said road a quarter of a mile, thence direct to Tsi-a-nv-nv's, leaving Tsi-a-nv-nv's in Flint District, and thence in a direct line so as to strike the Arkansas line opposite the Salt Spring in that State.

*Tahlequah, Nov. 8th,* 1843.

Approved—JNO. ROSS.

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*Resolution appointing a Delegation.*

WHEREAS, the unsettled state of our affairs with the Government of the United States, demands a speedy adjustment, in order that the public and private wrongs of our people may be redressed, and our National rights more clearly defined, therefore

*Be it resolved by the National Council,* That a Delegation, consisting of the Principal Chief and two other persons, be appointed and authorized to proceed to Washington City, with full powers to adjust all unsettled business, with the Government of the United States, for, and in behalf of the Cherokee Nation.

*Tahlequah, Nov. 13th,* 1843.

Approved—JNO. ROSS.

———o:o———

*An Act admitting to the right of Citizenship certain Creek Indians.*

WHEREAS, certain Creek Indians, with their families, emigrated from the east of the Mississippi river, in the several detachments of Cherokees that removed in 1838, and arrived in 1839: And

WHEREAS, the said Creek Indians having been received by the Cherokees into their Nation East, under their customs and agreement then existing between them and the Creek Nation, and thereby becoming a part of the Cherokee people, and subject to the Cherokee laws, therefore, in order, to remove all doubts as to their right to live and enjoy the privileges of citzenship in the Cherokee Nation.

SEC. 1st. *Be it enacted by the National Council,* That all

the Creek Indians who emigrated to this country in the several detachments of Cherokees, as aforesaid, be, and they are hereby recognized and admitted to the enjoyment of the rights and privileges of citizenship of this Nation.

SEC. 2d. *Be it further enacted*, That it shall be the duty of the Sheriffs to take a list of the names of all the Creek Indians herein provided for, together with their families, who may reside within their respective Districts. And to make a return of the same to the Principal Chief, for the information of the National Council.

*Tahlequah, November 13th*, 1843.

ARCHY FIELDS, *Speaker Council, pro tem.*

Concurred in by the National Committee, with the following amendment, viz: Insert in the first section, after the word "aforesaid," "and also all those Creek Indians, together with their families, who were allowed the right of suffrage among the Western Cherokees previous to the arrival of the Eastern Cherokees in 1839."

*Tahlequah, November 14th*, 1843.

Approved—JNO. ROSS.

———o:o———

*Resolution increasing the number of the Delegation.*

*Be it resolved by the National Council*, That the Delegation provided for in the joint resolution of yesterday, be increased from three to five persons, including the Principal Chief.

*Tahlequah, Nov. 14th*, 1843.

Approved—JNO. ROSS.

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*An Act to legalize Intermarriage with White Men.*

WHEREAS, the peace and prosperity of the Cherokee people require that in the enforcement of the laws, jurisdiction should be exercised over all persons whatever, who may from time to time be privileged to reside within the territorial limits of this Nation, therefore

*Be it enacted by the National Council*, That any white

man, or citizen of the United States, who may hereafter come into the country to marry a Cherokee woman, shall first be required to make known his intention to the National Council by applying for a license, and such license may, under the authority of the National Council, be issued by the Clerk of the National Committee. Any person so obtaining a license shall freely alienate himself from the protection of all other governments, and support the Constitution, and abide by the laws of the Cherokee Nation. Which oath may be administered by the President of the National Committee, or the Clerk of that body, authorized for that purpose, and it shall be the duty of the Clerks to record the same on the journals of the National Committee and Council. But if any such white man, or citizen of the United States, shall refuse to subscribe to the oath herein required, he shall not be entitled to the rights of citizenship, and shall forthwith be removed without the limits of the Nation as an intruder.

Sec. 2d. *Be it further enacted*, That the Agents, or officers of the United States Government, be, and they are hereby requested not to introduce any white man or citizen of the United States into this Nation, either by license, as a trader, or under permit, as a mechanic, or for any other purpose, without the consent of the Nation Council, or by its authority. All such persons as may be allowed to come into the country under the authority of the National Council, shall be required to hold themselves amenable to the laws, during their residence in it, but if any such person shall refuse to submit to the jurisdiction of the Cherokee laws, then he shall not be licensed, or permitted to reside in the Cherokee country. And it is hereby made the duty of the several Sheriffs to arrest and deliver over to the United States' Agent for the Cherokees, for removal out of the country, any white or citizen of the United States, whom they may find within their respective Districts, contrary to the provisions of this act.

Sec. 3d. *Be it further enacted*, That the National Treasurer be, and he is hereby authorized to issue permits to such responsible citizens of the Nation as may desire to employ white mechanics, teachers, clerks or laborers, from the United States, of industrious habits and good moral character, and who shall freely consent to abide by the provisions of this act. Any citizen so obtaining a permit shall give bond and security for the good conduct of the person whom he may employ, and

pay into the National Treasury the sum of fifty cents per month for each permit so obtained. No permit so granted shall extend beyond the period of one year, and may be countersigned by the United States' Agent for the Cherokees.

Sec. 4th. *Be it further enacted*, That it shall not be lawful for any citizen of this Nation to rent or lease any lands, mills, or other property whatever, within the limits of this Nation, to any white man or citizen of the United States, under the penalty, upon conviction thereof before any lawful court of the Nation, of paying a fine not less than one hundred dollars nor more than five hundred dollars, at the discretion of the Court, one-half to be paid to the informer, and the other half into the National Treasury.

Sec. 5th. *Be it further enacted*, That so much of the law to legalize intermarriage with white men, passed September 28th, 1839, as authorizes the Clerks of the Circuit and District Courts to issue licenses, as well as the provisions of any other laws which may be contrary to this act, be, and the same are hereby repealed.

Approved—JNO. ROSS.

*Tahlequah Nov. 10th*, 1843.

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*An Act to amend an Act relative to Public Schools.*

Sec. 1st. *Be it enacted by the National Council*, That all disbursements for the support of the Common Schools provided for by law, shall, after the passage of this act, be made by the National Treasurer, on warrants to be issued by the Principal Chief, upon the accounts and certificates rendered in to him by the Superintendent, for the necessary expenses of the several schools, and that so much of the act passed the 16th day of December, 1841, as authorizes the Superintendent to receive and receipt for school funds, and for making disbursements for the expenses of the schools, and requiring the Superintendent to give bond and security before entering upon the duties of his office, be, and the same is hereby repealed.

Sec. 2d. *Be it further enacted*, That the Superintendent upon being commissioned, shall take an oath for the faithful performance of the duties required of him by law, and that it shall be his duty to make his annual report through the Principal Chief to the National Council.

*Tahlequah, Nov. 16th*, 1843.

Approved—JNO. ROSS

*An Act for the benefit of Stephen Foreman.*

*Be it enacted by the National Council,* That the sum of fifty-five dollars and seventy-nine and one-quarter cents be, and the same is hereby appropriated out of any money in the National Treasury, belonging to the School Fund, not otherwise appropriated, for the benefit of Stephen Foreman, Superintendent of Public Schools, for amount paid by him out of private funds on account of public schools, and the Principal Chief is hereby authorized to draw a warrant for the same on the National Treasurer.

*Tahlequah, Nov. 17th,* 1843.

Approved—JNO. ROSS.

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*An Act for the benefit of Stephen Foreman.*

*Be it enacted by the National Council,* That the sum of three hundred dollars be, and the same is hereby appropriated out of any money in the National Treasury belonging to the school fund not otherwise appropriated, for the benefit of Stephen Foreman, for services rendered the Nation as Superintendent of Public Schools for the year 1853; and the Principal Chief is hereby authorized to draw a warrant for the same on the National Treasurer.

Approved—JNO. ROSS.

*Tahlequah, Nov. 17th,* 1843.

———o:o———

*An Act authorizing the Principal Chief to appoint a private Secretary.*

Sec. 1. *Be it enacted by the National Council,* That the Principal Chief be, and he is hereby authorized to appoint a Secretary to assist him in any writing he may have to do.

Sec. 2d. *Be it further enacted.* That the Secretary so appointed shall receive two dollars per day while employed.

CHARLES COODEY, *Pres't. Committee.*

Approved—JNO ROSS.

*Tahlequah, Nov. 17th,* 1843.

*A Resolution respecting John Rogers*

WHEREAS, information has been received that John Rogers has certain claims against the United States government of a National character, or touching its interest, and has already received from the United States government National funds without authority from the Cherokee Nation: and,

WHEREAS, the safety and peace of this Nation require of its citizens that all business affecting the interests of the Cherokee Nation with other governments, shall be transacted by persons properly authorized by the National Council or its authority, therefore,

*Be it resolved by the National Council*, That the Principal Chief be, and he is hereby authorized to call on Gov. P. M. Butler, U. S. Agent, to make a statement in writing to the Council, of the nature of the demands of John Rogers against the United States government, whether they are of a private or public nature, and how far the government has countenanced his demands, and to propose any other question necessary for and in behalf of the Nation.

Approved—JNO. ROSS.

*Tahlequah, Nov. 17th*, 1843.

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*An Act for the relief of James Landrum.*

*Be it enacted by the National Council*, That James Landrum be, and he is hereby exempted from ever paying a note of hand executed by him to the Treasurer of the Cherokee Nation for the sum of eighty-two dollars and fifty cents, sometime last spring for a horse which was sold by the Sheriff of Delaware District as an estray.

Approved—JNO. ROSS.

*Tahlequah, Nov. 22d*, 1843.

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*An Act authorizing the appointment of a Guard.*

SEC. 1st. *Be it enacted by the National Council*, That the Guard now stationed at the Principal Chief's be dismissed

on the adjournment of the present session of the National Council.

Sec. 2d. *Be it further enacted*, That the Principal Chief be, and he is hereby authorized to continue at his house, for the safety of the public papers and archives in his possession, a company of six men, who shall continue in service six months; unless he shall deem it advisable to dismiss them sooner, or keep them longer in service, to be boarded, and allowed twelve dollars per month each, out of the National Treasury, for their services.

*Tahlequah, Nov. 23d*, 1843.

Approved—JNO. ROSS.

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*A Resolution for laying off the Town of Tahlequah.*

*Be it resolved by the National Council*, That the Principal Chief, be, and he is hereby authorized to employ as many persons as may be necessary, to procure stakes and assist in laying off the town of Tahlequah. The persons so employed shall be allowed one dollar per day for their services while engaged.

*Tahlequah, Nov. 27th*, 1843.

Approved—JNO. ROSS.

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*An Act respecting the issuing of Certificates.*

*Be it enacted by the National Council*, That from and after the passage of this act, the Sheriffs of the several Districts, the Clerks of the Courts and other public officers, be, and they are hereby required to furnish annually to the National Council, a certified register of the names of the persons to whom they may issue certificates for services rendered the Nation, as guards, witnesses, and in other capacities, the number of days service, the time, and in what particular cases.

Sec. 2d. *Be it further enacted*, That should any person or persons, alter or counterfeit any certificate, due bill, warrant, or any note of hand, and be convicted before any of the

Courts, he, she or they, shall be punished with not less than thirty-nine lashes, and not more than one hundred lashes on the bare back, at the discretion of the Court.

*Tahlequah, November 28th* 1843.

Approved—JNO. ROSS.

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*An Act fixing the Compensation of Guards.*

*Be it enacted by the National Council,* That any person who may be summoned by a lawful officer to assist in arresting or guarding criminals, shall, from and after the passage of this act, be entitled to one dollar per day for his services, out of the National Treasury, any law to the contrary notwithstanding.

*Tahlequah, Nov. 30th*, 1843.

Approved—JNO. ROSS.

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*A Resolution in favor of the Guard at Park Hill.*

WHEREAS, the recent excitement and threats of the disaffected have rendered it necessary for the safety of the life and person of the Principal Chief, that a Guard should be kept about his house, therefore,

*Be it resolved by the National Council,* That the Captain of the company which has been recently stationed at Park Hill, be allowed, for his services, fifteen dollars, and the privates twelve dollars per month.

*Tahlequah, Oct. 25th*, 1843.

CHARLES COODEY, *Pres't Committee.*
JAMES M. PAYNE, *Speaker Council.*

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*An Act fixing the Compensation of the Guard stationed at Park Hill and Tahlequah.*

*Be it enacted by the National Council,* That the Guard of twenty-five men that has been stationed at the house of the

Principal Chief at Park Hill and Tahlequah, for the safety of his person, and of the public property and National Archives in his possession, be and they are hereby entitled to receive out of the National Treasury one dollar and fifty cents per day, as a compensation for their services while employed, any law or resolution to the contrary notwithstanding.

*Tahlequah, December 1st*, 1843.

Approved—JNO. ROSS.

——o:o——

*A Resolution for the adjournment of the Council on the 16th December*, 1843.

*Be it resolved by the National Council*, That Saturday the 16th instant, be the day set apart for the adjournment of the present session of the National Council.

*Tahlequah, December 6th*, 1843.

CHARLES COODEY, *Pres't Committee.*
JAMES M. PAYNE, *Speaker Council.*

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*An Act for the benefit of Ke-ti-kes-ki.*

*Be it enacted by the National Council*, That the sum of thirty dollars per annum be, and the same is hereby appropriated out of any money in the National Treasury not otherwise appropriated, for the benefit of Ke-ti-kes-ki, a decrepid and destitute citizen of this Nation, during his natural life.

*Tahlequah, December 7th*, 1843.

Approved—JNO. ROSS.

——o:o——

*An Act relative to Town Lots at Tahlequah.*

*Be it enacted by the National Council*, That it shall be unlawful to pull up, remove, or otherwise to injure, the stakes or posts defining the limits of the respective town-lots in Tahlequah, except those removed by persons from lots which they may have purchased; and any person so offending, on

conviction before any of the legal Courts, shall be fined at the discretion of the Court, in a sum not less than twenty-five, nor more than one hundred dollars, payable to the National Treasury.

*Tahlequah, December 11th*, 1843.

JAMES M. PAYNE, *Speaker Nat. Council.*

Concurred in by the National Committee, with the following amendment, viz: That one-half of any fine collected for the violation of this law, shall be for the benefit of the informer, and the other half payable into the National Treasury.

*Tahlequah, December 13th*, 1843.

Approved—JNO. ROSS.

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*A Resolution respecting the wasting of Liquor, &c.*

*Be it enacted by the National Council*, That the special guard stationed at the Principal Chief's be, and they are hereby directed to exert themselves in preserving order about the Council Ground, during the session of the Council, and they are hereby empowered to waste all whiskey, or other spirituous liquors that they may find, and to arrest and confine until they become sober, any drunken persons or any others, who may behave disorderly.

*Tahlequah, Dec. 11th*, 1843.

CHARLES COODEY, *Pres't Committee.*

Approved—JNO ROSS.

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*Resolution of the National Council, repealing a previous Resolution fixing a day for adjournment.*

*Be it resolved by the National Council*, That the resolution adopted December 6th, 1843, setting apart Saturday the 16th instant, as the day of adjournment for the present session of the National Council be, and the same is hereby repealed.

*Tahlequah, Dec. 14th*, 1843.

CHARLES COODEY, *Pres't. Committee.*

JAMES M. PAYNE, *Speaker Council.*

*An Act for the Benefit of John Benge—for $24 00.*

*Be it enacted by the National Council,* That the sum of $24 00 be, and the same is hereby appropriated out of any money in the Nat'l Treasury belonging to the Orphan School Fund, not otherwise appropriated, for the benefit of John Benge, for boarding two orphan children from the 11th September to the 11th December, 1843, while attending the school taught by Robert Benge, in Skin Bayou District.

*Tahlequah, Dec. 19th,* 1843.

Approved—JNO. ROSS.

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*An Act regulating the pay of the Public Cooks.*

*Be it enacted by the National Council,* That the pay of the Public Cooks, who shall be employed hereafter to cook for the National Councils, be, and the same is hereby reduced to two dollars each per day.

*Tahlequah, Dec. 19th,* 1843.

Approved—JNO. ROSS.

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*An Act further to amend an Act relative to Public Schools.*

*Be it enacted by the National Council,* That there shall be established throughout the Nation, seven additional common schools, and which together with those already provided for, will give to the several Districts, the following number of schools, viz: Delaware District, three; Going Snake District, three; Flint District, three; Skin Bayou District, two; Illinois District, two; Canadian District, one; Tahlequah District, two; Saline District, two.

Sec. 2d. *Be it further enacted,* That there shall be two vacations in a year, of one month each, so as to divide the schools into two sessions of five months each: and that the salary of each teacher shall not exceed the rate of four hundred dollars per annum.

Sec. 3d. *Be it further enacted,* That the names and condition of the orphan children whom the Directors may place under board and tuition, shall be stated in the annual

reports of the Superintendent, together with the bill of cost of the articles of clothing furnished them: and that the allowance for boarding such orphans shall not exceed the sum of four dollars each per month. Any thing in any previous acts militating against this act, are hereby repealed.

*Tahlequah, Dec. 23d,* 1843.

Approved—JNO. ROSS.

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*An Act providing for the building of a Printing Office.*

SEC. 1st. *Be it enacted by the National Council,* That the Editor elect of the Cherokee Advocate be, and he is hereby authorized to receive sealed proposals, after having advertised the same twenty days, for building at Tahlequah Council Groand, a house to be used as a Printing Office, and which shall be of the following dimensions, to wit: a frame building, 18 by 40 feet, with a shingle roof, two stories high, with four rooms, the two upper rooms to be eighteen feet by twenty feet, and seven feet from the floor to the ceiling above. The lower rooms, one eighteen feet by twenty-two, and the other eighteen feet square, and nine feet from the floor to the ceiling. The rooms to be ceiled or plastered within—the flooring tongue and grooved—one door to each room, and from four to six windows, with fifteen glass lights each, and good battern shutters—a stair-way—a box stove in three of the rooms, and the desks and watering troughs used in a printing office. The sills to be elevated eighteen inches, and underpinned, together with the sleepers, with stone.

The lowest bidder to receive the contract, and required to enter into bond and approved security, in a sum double the amount of his contract; to have the building completed and ready for use within six months. The securities to be citizens of the Nation, and the bonds to be placed in the hands of the National Treasurer; the contractor to be paid at the next session of the Council in 1844.

*Be it further enacted,* That the Editor and District Judge of Tahlequah District, be, and they are hereby directed to superintend the building of the house, and to receive the same, if completed according to contract, and to give the contractor a certificate to that effect.

*Tahlequah, Dec. 23d,* 1843.

Approved—JNO. ROSS.

*An Act prohibiting the Sheriff from boarding Prisoners or Guards at the Public Houses during the session of the National Council.*

*Be it enacted by the National Council,* That from and after the passage of this act, it shall not be lawful for any Sheriff, or any officer of this Nation, to board any prisoners or guards at any tavern in Tahlequah during the session of the annual or called Councils.

*Tahlequah, Dec. 25th,* 1843.

Approved—JNO. ROSS.

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*Resolutions of the National Council respecting public Blacksmiths and Wheel-wrights.*

Whereas, the United States' Agent for the Cherokees has requested the action of the National Council in locating the public Smith shops provided for in the treaty of 1833. And, whereas, the object of this stipulation is to benefit that class of our laboring people who are not able to pay for their smith work, and four shops not being sufficient to meet their wants, therefore,

*Be it resolved by the National Council,* That the United States Agent, be, and he is hereby requested to employ eight blacksmiths for the term of six months, instead of four for one year, and that they be located at or near the place of holding Court in the several Districts, and that they go into operation about the first of February, and continue six months.

*Be it further resolved,* That the National Council do hereby recommend to the United States Agent, the employment of Native wheel-wrights in each District, and to make the number of wheels to which the several Districts may be entitled.

*Tahlequah, Dec. 28th,* 1843.

Approved—JNO. ROSS.

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*An Act to repeal an Act authorizing the issue of Due Bills.*

*Be it enacted by the National Council,* That the act au-

thorizing the issue of due bills by the National Committee, passed the 4th day of October 1839, be, and the same is hereby repealed.

*Tahlequah, Dec. 28th*, 1843.

Approved—JNO. ROSS.

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*An Act for the Benefit of George Guess.*

*Be it enacted by the National Council*, That in lieu of the sum allowed to George Guess, in consideration of his invention of the Cherokee Alphabet, passed December 16th, 1841, and which is hereby repealed, the sum of three hundred dollars be paid to the said George Guess out of the National Treasury annually, during his natural life.

Sec. 2d. *Be it further enacted*, That in case of the death of George Guess, that the same be paid to his wife, Mrs. Sally Guess, annually, during her natural life.

*Tahlequah, Dec. 29th*, 1843.

Approved—JNO. ROSS.

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*An Act fixing the Compensation of the Delegation, and appropriating money to defray their Expenses.*

Sec. 1st. *Be it enacted by the National Council*, That the Delegation appointed the 25th ult., to represent the Cherokee Nation before the Government of the United States, shall receive, each, out of the National Treasury, three dollars per day for his services, during his absence on this mission.

Sec. 2d. *Be it further enacted*, That the sum of three thousand dollars be, and the same is hereby appropriated out of any money in the National Treasury not otherwise appropriated, to defray the expenses of the aforesaid delegation,—that the Principal Chief be, and he is hereby authorized to draw warrants on the National Trsasury for the same; and that the said delegation be required to keep a correct account of all necessary expenditures.

*Tahlequah, January 1st*, 1844.

Approved—JNO. ROSS

*An Act to amend an Act regulating Permits and Intermarriages with White Men, &c.*

SEC. 1st. *Be it enacted by the National Council,* That so much of the Act regulating intermarriage with white men, and for other purposes, passed November 15th, 1843, as authorizes the National Treasurer to issue permits to such responsible citizens of this Nation as may desire to employ white mechanics, teachers, clerks, or laborers, from the United States, be, and the same is hereby so amended, that if any person or persons, citizens of this Nation, shall hire or employ any citizen of the United States without having first obtained a permit for that purpose, in accordance with the provisions of the act hereby amended, the person or persons so offending, shall, for each and every such offence, when convicted before any lawful court of this Nation, be fined in a sum of not less than ten dollars, nor more than fifty dollars, at the descretion of the court, one half for the benefit of the informer and the other half to be paid into the National Treasury.

SEC. 2d. *Be it further enacted,* That the National Treasurer be, and he is hereby authorized to appoint a suitable person to perform the duty of issuing permits, if he should be absent at any time from the Nation.

*Tahlequah, Jan. 2d,* 1844.

Approved—JNO. ROSS.

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*An Act for the benefit of Michael Waters.*

*Be it enacted by the National Council,* That the sum of twelve dollars be, and the same is hereby appropriated out of any money in the National Treasury belonging to the Orphan School Fund not otherwise appropriated, for the benefit of Michael Waters, for boarding one orphan child from the 11th of September to the 11th of December, 1843, while attending the school taught by Robert Benge, in Skin Bayou District.

*Tahlequah, Jan. 8th,* 1844.

Approved—JNO. ROSS.

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*An Act relative to the Court House in Going Snake District.*

*Be it enacted by the National Council,* That the Court

House for Going Snake District be, and the same is hereby authorized to be located and built at or near Fodder's, in Going Snake District, and the law which fixed the site at another place is hereby repealed.

*Tahlequah, Jan. 8th,* 1844.

Approved—JNO. ROSS.

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*An Act authorizing the National Treasurer to receive and receipt to the Principal Chief for* $125,000.

Whereas, The Principal Chief has submitted to the National Council a communication stating that he is now ready to turn over to the Nation the sum of one hundred and twenty-five thousand dollars, savings that have been made out of the arrangements with Maj. Gen. Scott, for the removal of the Eastern Cherokees under his superintendency, by the employment of public waggons and teams, their sale, &c., therefore,

*Be it enacted by the National Council,* That the National Treasurer be, and he is hereby authorized to receive and receipt to the Principal Chief for the above named sum of money for and in behalf of the Nation.

*Be it further enacted,* That out of the above named money, the sum of forty-five thousand and ninety dollars and fifty-seven cents be, and the same is hereby appropriated to meet the loans made from the school fund and the interest thereon, by the act of the National Council in 1842.

*Tahlequah, Jan. 8th,* 1844.

Approved—JNO. ROSS.

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*An Act relative to the right of Citizenship.*

*Be it enacted by the National Council,* That all persons whatever, residing within the limits of this Nation, whose right to the enjoyment and privileges of citizenship is doubtful or disputed, be, and they are hereby required to appear before the National Council at its annual session in 1844, to establish the same, or otherwise be subject to removal from the country as intruders.

*Tahlequah, Jan. 10th,* 1844.

Approved—JNO. ROSS.

*An Act authorizing the making of a Loan from the General School Fund.*

WHEREAS, The public funds now in the National Treasury are not sufficient to meet the debts outstanding against the Nation, therefore,

*Be it enacted by the National Council*, That there be a loan made from any monies in the National Treasury belonging to the general school fund, not otherwise appropriated, to the amount of twelve thousand three hundred and sixty-three dollars and thirty-four and a half cents, to meet the debts outstanding against the Nation. The sum borrowed shall draw interest at the rate of six per cent. per annum, and to be paid out of the public funds first paid into the National Treasury.

SEC. 2d. *Be it further enacted*, That the Principal Chief be, and he is hereby authorized to draw warrants on the Nationary Treasury for the above named sum.

*Tahlequah, January 10th*, 1844.

Approved—JNO. ROSS.

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*An Act authorizing the Principal Chief, in case of Murder, and the Offender escaping beyond the jurisdiction of the Nation, to offer a Reward.*

*Be it enacted by the National Council*, That if any person or persons, who shall be guilty of having committed murder within the limits of this Nation, shall escape beyond its jurisdiction, the Principal Chief be, and he is hereby authorized to offer a reward not exceeding five hundred dollars, for the apprehension and delivery of such person or persons to the proper authorities of this Nation, and any such reward so offered shall be payable out of the National funds.

*Tahlequah, January 10th*, 1844.

Approved—JNO. ROSS.

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*An Act to Re-organize Police Companies.*

*Be it enacted by the National Council*, That there be,

forthwith organized eight Police Companies, one to each District, to be composed of twenty-five armed men each, whose duty shall be to suppress all conspiracies, and to apprehend and bring to justice, all persons charged with treason against the Government of this Nation.

*Be it further enacted*, That each company aforesaid, shall be under the command of one Captain and one Lieutenant, who shall be elected by joint vote of the National Council. Each Captain shall raise his own company. In case of the death, resignation, or inability of any Captain, the Lieutenant of such company shall assume the command.

*Be it further enacted*, That the said companies and officers shall be under the command of a Colonel, to be elected in the manner above prescribed, who shall inspect the companies, instruct them in their duties and in the exercise of vigilance, in ferreting out and bringing such persons to justice. Whenever occasion requires, he shall concentrate as many of the companies at any place as he may deem necessary for sustaining the laws and interests of the Nation. He shall be subject to the orders and instructions of the Executive, advise with him, and regularly report to him whatever information he may possess relative to the movement of the companies.

*Be it further enacted*, That the Colonel shall receive three dollars, each Captain two dollars, each Lieutenant one dollar and fifty cents, and each private one dollar per day, while engaged in actual service. The term of service of said companies shall be one year.

*Be it further enacted*, That the Captains aforesaid, shall make monthly returns to the Colonel, of the expenses of their respective companies, for horse-shoeing and ferriages; powder, lead and flints; provisions and forage, (to be bought at the cheapest rates;) and said returns, to be transmitted regularly by the Colonel, to the Principal Chief.

*Be it further enacted*, That all the officers aforesaid, shall be commissioned according to rank, by the Principal Chief, and bound by oath to support the Constitution and Laws of the Cherokee Nation.

*Tahlequah, October 18th*, 1844.

THOMAS FOREMAN, *Pres't Com. pro tem.*
RICHARD DREW, *Speaker pro tem. Coun.*
Approved—MOSES DANIEL,
*Acting Principal Chief.*

## *An Act relating to a Commissary.*

*Be it enacted by the National Council,* That there shall be elected annually, by a joint vote of the National Council, one issuing Commissary.

*Be it further enacted,* That it shall be the duty of the said Commissary, to attend at the opening of the annual, or any legally called Council, for the purpose of receiving, and receipting for all corn, beef and salt, of good wholesome quality, that may be tendered by contractors, and issuing the same to the public Cooks, according to an economical calculation, made by him of daily consumption.

He shall see that the public cooks are faithful in the discharge of their duties; and furnish to each Council, true returns of the quantity of provisions received by him, from contractors.

*Be it further enacted,* That the said Commissary shall be allowed, out of the National Treasury, a compensation of one dollar and fifty cents per day, while in actual service. Before entering upon his duties, he shall be required to execute to the National Treasurer, a bond, with approved security, in the penal sum of five hundred dollars, for their faithful discharge.

*Be it further enacted,* That the first election under this act, shall take place before the final adjournment of the present National Council, and the person then elected as Comsary, shall enter upon his duties, at the opening of the annual Council in 1845, or at any Council that may be called previous to that time, by the proper authorities of the Nation.

*Tahlequah, October 21st,* 1844.

Approved—MOSES DANIEL, *Acting P. Chief.*

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*Be it enacted by the National Council,* That the Principal Chief be, and he is hereby authorized to appoint, for the term of one year, a third printer, to be engaged in the office of the Cherokee Advocate, in addition to the two printers, provided for in the act, passed October 25th, 1843, establishing a National Printing Press, &c.

*Be it further enacted,* That the printer so appointed, shall be subject to the requirements of the aforesaid act, and shall

receive, for his services, three hundred dollars per annum.

*Tahlequah, October 24th, 1844.*

Approved—MOSES DANIEL, *Acting P. Chief.*

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*An Act to repeal an Act, entitled an "Act to amend an Act, passed September 23d, 1839, establishing the Judiciary."*

*Be it enacted by the National Council,* That an act, passed October 15th, 1841, entitled "an Act, to amend an Act passed Sept. 23d, 1839, establishing the Judiciary," be, and the same is hereby repealed.

*Tahlequah Oct. 29th, 1844.*

Approved—JNO. ROSS.

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*An Act prohibiting betting on Elections.*

*Be it enacted by the National Council,* That hereafter, all betting on elections, held in this Nation, is declared to be unlawful, and any person or persons who shall be found guilty of violating the provision of this act, before any legally constituted Court, shall, for each and every such offence, be fined, at the discretion of the Court, in a sum, not less than fifty, nor more than five hundred dollars; one half of such fine shall be for the benefit of the informer, and the other half to be paid into the National Treasury.

*Tahlequah, November 1st, 1844.*

Approved—JNO. ROSS.

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*An Act for determining Elections in case of Tie.*

*Be it enacted by the National Council,* That hereafter, in any election, for members of the National Committee, or Council, or Sheriffs, when two or more candidates shall receive an equal number of votes, the Principal Chief, upon receiving the notification of the fact from the superintendents of such election, shall immediately issue a writ authorizing the holding of another election in the District in which such tie may occur.

*Tahlequah, November 1st, 1844.*

Approved—JNO. ROSS.

*An Act to regulate Grist Mills.*

*Be it enacted by the National Council*, That, from and after the first of January next, the owners of Grist Mills, established in the Cherokee Nation, shall be held accountable, and made pay for any bag and grain, which may be lost, left in their charge in the mill; provided, however, that the bags are marked or branded by the owners.

*Tahlequah, Nov. 6th*, 1844.

Approved—JNO. ROSS.

———o:o———

*An Act to amend an Act establishing the Judiciary.*

*Be it enacted by the National Council*, That an act, passed 23d September, 1839, entitled "an Act establishing the Judiciary," be, and the same is hereby so amended, that if any of the Circuit or District Judges shall be interested, by consanguinity, or otherwise, in the termination of any suit that may be pending in their respective Courts, and either of the parties to such suit shall object to his presiding in its trial, he shall transmit such objections to the Principal Chief, who shall appoint another Judge to preside until such suit is decided, provided that such objections are made at the time the suit is instituted, and are accompanied with good and sufficient reasons. Any person who may be appointed special Judge under the foregoing enactment, shall be allowed three dollars per day, out of the National Treasury, while in actual service.

*Be it further enacted*, That the above named act, be, and the same is hereby further amended, so that if any person constituting in part, a jury for the trial of civil cases, shall be interested in the termination of any suit that may require his decision, the Judge of the Court, shall have the right, on the application of either of the parties, setting forth by oath, satisfactory evidence of such fact, to appoint a new jury entire, or in part, for the trial of such case.

*Tahlequah, November 9th*, 1844.

Approved—JNO. ROSS.

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*An Act for the benefit of G. W. Corbin, Contractor.*

*Be it enacted by the National Council*, That the sum of nine hundred and seventy-two dollars, be, and the same is

hereby appropriated, out of any monies in the National Treasury, not otherwise appropreated, for the benefit and use of George W. Corbin, Contractor for building a Printing Office, at Tahlequah, of the kind and description set forth in an act passed at the last session of the annual Council, authorizing the building of a Printing Office.

*Be it further enacted*, That the Principal Chief be, and he is hereby authorized to draw a warrant on the National Treasury, for the amount of the above appropriation, in the name of the said George W. Corbin, Contractor.

*Tahlequah, November 11th*, 1844.

Approved—JNO. ROSS.

———o:o———

*An Act to amend an Act, for the punishment of Criminal Offences.*

*Be it enacted by the National Council*, That an act, passed the 9th of September, 1839, for the punishment of criminal offences, be, and the same is hereby amended, in the first section, to read as follows: "And when sentence of death shall have been passed, the Court shall grant a respite of five days, before such criminal be executed," and in all cases, where a criminal, under sentence of death, shall escape before the day of execution, and afterwards be apprehended, he shall be delivered to the Sheriff of the District, where the trial was had, and after two days from the time of his delivery, the Sheriff shall proceed to execute the sentence of death.

*Tahlequah, November 11th*, 1844.

Approved—JNO. ROSS.

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*An Act to amend an Act, in relation to the Salary of the Clerk of the Supreme Court, &c.*

*Be it enacted by the National Council*, That an act, passed December 8th, 1842, in relation to the salary of the Clerk of the Supreme Court, be, and the same is hereby amended, that the Clerks of the Circuit and District Courts, be paid a salary of twenty-five dollars a year, in addition to their *per*

*diem* allowance for their services, during the session of courts: and the Clerks of the District Courts, be allowed two dollars and fifty cents per day, for their services during courts.

*Tahlequah, Nov. 27th,* 1844.

Approved—JNO. ROSS.

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*Be it enacted by the National Council,* That there shall be printed, at the office of the Cherokee Advocate, at the expense of the Cherokee Nation, blank certificates for the use of Sheriffs and Clerks of the several Districts, and all other officers of the Cherokee Nation, who issue certificates.

*Tahlequah, Nov. 18th,* 1844.

Approved—JNO. ROSS.

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*Be it enacted by the National Council,* That the law, passed on the 5th December, 1842, entitled "an Act, to exempt property from public sale," be, and the same is hereby amended, so as to continue in full force and virtue, for the term of two years from the 5th day of December next.

*Tahlequah, Nov. 2[illegible]th,* 1844.

Approved—JNO. ROSS.

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*An Act declarative of the rights of the Cherokee Nation, and authorizing the appointment of a Delegation.*

*Whereas,* The original and inalienable rights of the Cherokee people, "as a separate and distinct Nation," are not of recent origin, but have, in their essential elements, been enjoyed and exercised by our fathers, "from a period extending into antiquity, beyond the records and memory of man;"

*And, whereas,* The present organization of the National Government was established by the rightful, and unconstrained assertion of the people's will, in the adoption of the Act of Union, between the Eastern and Western Cherokees;

*And whereas,* This Act of Union, and the Constitution based upon it, were confirmed and regulated in various forms,

in the presence of the officers of the United States, and so reported to their Government;

*And whereas*, By the adoption of the said Act of Union, the distinction of "Old Settler" and "Emigrant," ceased and was done away; and "all right and title to public Cherokee land, on the east or west of the river Mississippi, with all other public interests, which may have vested in either branch of the Cherokee family, whether inherited from our fathers, or derived from any other source," was vested, "entire and unimpaired, in the Cherokee Nation," as constituted by that "Union;"

*And whereas*, The Cherokee Nation, thus constituted, has disbursed large sums of money, in payment of claims, originating under the laws of the Western Cherokees or "Old Settlers," without the slightest distinction being made between them and those who had been called Eastern Cherokees;

*And whereas*, In all departments of the Government, offices have been filled by citizens formerly belonging to every class, justice has been administered and protection afforded to all; equally and without distinction;

*And whereas*, We deeply regret, that, in giving countenance to John Rogers and others, whose aim is, to form a conspiracy against the Government and integrity of the Nation; the Hon. Secretary of War should have evinced sentiments so greatly at variance with those of the President, and with the relations, actually subsisting, between the Cherokee Nation and the United States. And especially, do we regret, that in opposition to the forcible and conclusive remonstrance of the Delegation, the Hon. Secretary should have appointed a commission to make enquiries in this country, under instructions inconsistent with our National rights, and dangerous to our liberties; and the direct tendency of which is to create factions, and to disturb the tranquility of the community;

*Be it therefore enacted by the National Council*, That a Delegation be appointed, to proceed immediately, to Washington, and by every means in their power, to maintain the rights of the Cherokee Nation, and to press upon the attention of the United States Government, the claims of the Cherokee people, both National and individual.

*And be it further enacted*, That the Delegation be clothed with full powers to conclude a treaty with the United States,

and to do all other things, which may be necessary to bring all matters in discussion, between the two parties, to a final close.

*And be it further enacted*, That in the event of any vacancy occurring in the Delegation, the Principal Chief is hereby authorized to fill the same by appointment.

*Tahlequah, December 18th*, 1844.

Approved—JNO. ROSS.

———o:o———

*An Act for the benefit of James S. Price, Contractor.*

*Be it enacted by the National Council*, That the sum of two thousand seven hundred and seventy-five dollars and fifty cents, be, and the same is hereby appropriated, out of any moneys in the National Treasury, not otherwise appropriated, for the benefit and use of James S. Price, contractor for building a Court House at Tahlequah, of the kind and description set forth in an Act, passed at the last session of the annual Council, authorizing the building of a "Court House."

*Be it further enacted*, That the Principal Chief be, and he is hereby authorized to draw a warrant on the National Treasurer, for the amount of the above appropriation, in the name of the said James S. Price, Contractor.

*Tahlequah, October 22d*, 1844.

Approved—MOSES DANIEL, *Acting P. Chief.*

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*Be it resolved by the National Council*, That the Principal Chief be requested to have the mortal remains of Tesi-si-ni, late a member of the Council from Cauadian District, removed and decently interred, on a lot, to be hereafter used as a public burial ground.

*Resolved*, That the members of the National Council will attend, in a body, the burial of the deceased.

*Resolved*, That as a humble testimonial of the respect in which the memory of the dead is held, by the National Council, the Principal Chief is also requested to have placed at the head of his grave, a tomb-stone with the following inscription: "Tesi-si-ni, member of the National Council, from Cauadian District, died at Tahlequah, October 26th, 1844."

*Tahlequah, Oct. 28th*, 1844.

Approved—JNO. ROSS.

*Be it enacted by the National Council,* That the sum of thirty dollars be, and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, for the benefit of Big James, or O-ne you-he-ter, for the year 1844.

*Tahlequah. December 24th,* 1844.

Approved—JNO. ROSS.

———o:o———

*An Act appropriating $300 00 to George Guess, for the year* 1844.

*Be it enacted by the National Council,* That the sum of three hundred dollars be, and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, for the benefit of George Guess, or his wife Sarah, for the year 1844.

*Tahlequah, December 24th,* 1844.

Approved—JNO. ROSS.

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*Resolved by the National Council.* That the Principal Chief be, and he is hereby authorized, to have five hundred copies of the laws of the Cherokee Nation, enacted during the present session of the Council, printed in both the Cherokee and English languages.

*And be it further resolved.* That he is hereby requested, to have the same completed by the close of the present session of the Council, if practicable.

*And be it further resolved,* That the Principal Chief be, and he is hereby authorized, to have the same distributed throughout the several Districts, as soon as completed.

*Tahlequah, January 6th,* 1845.

MOSES DANIEL, *Pres't Nat. Committee.*

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*An Act relative to the Court House in Illinois District.*

*Be it enacted by the National Council,* That the Court House for Illinois District be, and the same is hereby author-

ized to be located and built at Tahlonteesky, the old Council Ground, in Illinois District; and the law which fixed the site at another place, is hereby repealed.

*Tahlequah, Jan. 7th,* 1845.

Approved—JNO. ROSS.

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*Be it enacted by the National Council,* That all persons having houses, or other improvements on the public square, in the town of Tahlequah, be, and they are hereby required to remove them by the first of September next.

*And be it further enacted,* That should any person or persons, having improvements as above, fail or refuse to comply with the requirements of this Act, shall forfeit and pay a sum of fifty dollars; and all such fines, when collected shall be applied to National purposes.

*Tahlequah, January 8th,* 1844.

Approved—JNO. ROSS.

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*Whereas,* The depredations committed upon the property of certain citizens of this Nation, within a short time past, and many other circumstances render it notorious, that Thos. Starr and Ellis Starr, who with Bean Starr, murdered, robbed and burnt, with his store, in 1843, Mr. Vore, wife, and a traveller, citizens of the U. S.; and Ellis West and Samuel McDaniel, who within a few weeks past, murdered, in an atrocious manner, two Cherokees, Tetuneskee and Chane Lacha, are clubbed with other bad men in this Nation, for the purpose of committing murder, and thefts, and arson upon the lives and property of our citizens; Therefore,

*Be it enacted by the National Council,* That the Principal Chief be, and he is hereby authorized to offer out of the National funds, a reward of five thousand dollars each, for the apprehension and delivery of Thomas Starr and Ellis Starr, to the proper authorities of this Nation; and five hundred dollars each, for Ellis West and Samuel McDaniel. In case any of them should be killed in the attempt to apprehend them, the reward shall be given on proof of that fact.

*Tahlequah, January 9th,* 1845.

Approved—JNO. ROSS.

*A Resolution repealing the resolution appointing the day for adjournment.*

*Be it resolved by the National Council*, That the Resolution passed on the 7th inst., appointing to-day for the adjournment of the National Council, be, and the same is hereby repealed.

*Tahlequah, Jan. 11th*, 1845.

Approved—JNO. ROSS.

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*An Act to alter the line between Saline and Delaware Districts.*

*Be it enacted by the National Council*, That after the passage of this Act, the line between Delaware and Saline districts shall be as follows: Commencing at a point on Spring Creek, where Going Snake and Tahlequah districts corner, and up the left hand fork of Spring Creek, by Switch'er Lowrey's, and across to Os-le-stuhee's place, leaving him in Saline district; thence along the path to Os-le-stuhee's old place, leaving the said place in Saline; thence along a path on the ridge to Chu-li-o's place, leaving that place in Saline; and thence to a ford, a short distance above Ned Christies's, on Spavinaw; and thence strait to the mouth of a small Creek above Ned Persimon's, on Grand River; and thence across to Os-kiw-u-h-tee-skee's place on Cabbin Creek, leaving the said place in Saline; and up said Creek to the Osage boundary line; and the Act passed 18th Dec. 1844, altering the line between Delaware and Saline Districts be, and the same is hereby repealed.

*Tahlequah, January 13th*, 1845

Approved—JNO. ROSS.

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*Be it enacted by the National Council*, That there shall be appointed, at the opening of each annual session of the General Council, a fire maker for each branch of the Council and for the Supreme Court, whose duty it shall be to keep fires, carry water &c.; who shall be entitled to a compensation of fifty cents per day each for their services.

*Tahlequah, Jan. 13th*, 1845.

Approved—JNO. ROSS.

## *An Act relative to holding Elections.*

*Be it enacted by the National Council*, That the Act passed 4th Nov. 1839, organizing the Nation into eight districts, for holding elections, and the Act passed 22d Nov. 1842, shall remain in force until otherwise altered by law, with the following amendments:

*Be it further enacted*, That the district Judges be, and are hereby authorized to appoint the Superintendents and clerks for each precinct, who shall be qualified by the district Judge or clerk to conduct the election agreeable to law.

*Be it further enacted*, That if a vacancy should occur at the holding of the elections, it shall be lawful for the people to fill vacancies that may exist.

*Be it further enacted*, That the superintendents and clerks shall be entitled to a compensation of one dollar per day while in service.

*Tahlequah, Jan. 11th*, 1845.

Approved—JNO. ROSS.

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*Whereas, It has been made known*, That P. M. Butler, Esq., United States Agent, is about to remove from the buildings and improvements, known as the "Dragoon Quarters," and now occupied by him as an Agency; Therefore,

*Be it enacted by the National Council*, That the land included in the survey, adjoining the Fort Gibson Military Reserve, recently made by P. M. Butler, Esq., U. S. Agent, for the temporary use of his Agency, and all buildings and improvements made thereon, by the United States, be, and the same are hereby declared to be the property of the Cherokee Nation, and are reserved for public purposes; and all persons are prohibited from locating or making improvement within the limits of the said survey, without having first obtained the consent of the National Council, under the penalty of forfeiting the same for the benefit of the Nation.

*Be it further enacted*, That the Principal Chief be, and he is hereby authorized to appoint an Agent, whose duty it shall be, upon their being evacuated, to take possession, in the name of the Nation, of the aforesaid buildings and improvements; and having publicly advertised the same for thir-

ty days, to lease them, (the buildings and improvements) to the highest bidder, for the term of two years. The lessee of such buildings and improvements shall give bond and security for the payment of the amount of his lease, into the National Treasury, in two annual instalments.

*Tahlequah, Jan. 12th,* 1845.

Approved—JNO ROSS.

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*Be it enacted by the National Council,* That the sum of two hundred and eighty dollars be, and the same is hereby allowed to Daniel R. Coodey and Company, for the apprehension of Bean Starr and the recovery of stolen horses in the fall of 1844.

*Tahlequah, Jan. 8th,* 1842.

Approved—JNO. ROSS.

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*Be it enacted by the National Council,* That the Editor of the Cherokee Advocate be, and he is hereby authorized to have alterations made in the stairway and partitions, in the printing office, and a brick chimney erected with four fire places.

*Tahlequah, January 16th,* 1845.

Approved—JNO. ROSS.

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*An Act authorizing the quarterly payment of the Translator and the Printers in the Office of the Cherokee Advocate.*

*Be it enacted by the National Council,* That the Principal Chief be, and he is hereby authorized, upon the certificate of the Editor, to issue warrants on the National Treasury, for the quarterly payment of the salaries of the Translator and Printers, employed agreeably to law, in the office of the Cherokee Advocate.

*Tahlequah, Jan. 14th,* 1845.

Approved—JNO. ROSS.

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*An Act fixing the appropriation for the Delegation.*

*Be it enacted by the National Council,* That the sum of four thousand one hundred and seventy-five dollars be, and

the same is hereby appropriated out of any money in the National Treasury, not otherwise appropriated, to defray the expenses of the Delegation to Washington, and that the Principal Chief be, and he is hereby authorized to draw a warrant on the National Treasurer for the same, and that the said Delegation be required to keep a correct accountof all necessary expenditures.

*And be it further enacted*, That the pay of the members of the Delegation, for their services, shall be, and the same is hereby fixed at three dollars per day, to commence from the date of their leaving home.

*Tahlequah, January 13th*, 1845.

Approved—JNO. ROSS.

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*Whereas*, The use of ardent spirits and other intoxicating liquors, is productive of the most demoralizing, and otherwise degrading and mischievous effects;

*And whereas*, The laws of this Nation prohibiting the introduction and sale of ardent spirits, are rendered inoperative, to a great extent, by the existence, along the line, within the State of Arkansas and Missouri, of distilleries, groceries and tipling shops; from which those deleterious articles are issued to the Indians;

*And whereas*, Murders and other crimes of the most atrocious and alarming character; the very rehearsal of which are revolting to humanity, are clearly traceable to the stillhouse and the grocery, as their source; Therefore,

*Resolved by the National Council*, That the Principal Chief be, and he is hereby requested, through such channel as he may deem proper, respectfully to ask, of the Governors of the States of Arkansas and Missouri, respectively, such co-operation, and the exertion of such influence, as in their wisdom they may deem proper, effectually to put a stop to the traffic, in ardent spirits, along the Indian lines of their respective States.

*Tahlequah, Jan. 10th*, 1845.

Approved—JNO. ROSS.

———o:o———

*Whereas*, There are unsettled questions and points of interest which have been long pending between the Government of the United States and the Cherokee people;

*And whereas*, The rights and claims of the Cherokees, involved in those questions, have been fully and candidly recognized by the President of the United States, in his letter of Septemper 20th, 1841, and his views and feelings, in regard to the redress for which they ask ingenuously and unreservedly expressed, we cannot withdraw the confidence which we have reposed in the promises there conveyed to us; which assure us that a deaf ear has not been turned to our petitions and that" much attention "has been given to the weighty and important subjects, 'which we had urged,' adding, 'if all the subjects presented by you on the part of your people have not been fully considered and decided, you will be able to satisfy them that it has been from no desire, on our part, to slight or neglect the wishes or interests of a Nation who have been for so many years, the steadfast friends of the U. States, and for whose rights and interests this Government feels the strongest concern.'"

"I have looked over the several treaties that have been made between the Cherokee Nation and the United States; and I find their promises of friendship on the one part, and of protection and guardian care on the other; and I now promise you again; and through you, your whole people, that the protection and care so promised shall be given." Having declared his purpose to negotiate a new treaty, the President proceeds, "you may assure your people that"—"not justice merely shall be done them; but that a liberal and generous course of policy shall be adopted towards them. Upon the ratification of the treaty contemplated, which shall give full indemnity for all wrongs which they may have suffered; establish upon a permanent basis the political relations between them and the people of the U. S.—guarantee their lands in absolute fee simple, and prescribe specific rules in reference to subjects of the most interesting character to them and their remotest posterity, a new sun will have dawned upon them in whose brightness their permanent happiness and true glory may be read by the whole world."

*Resolved, therefore, by the National Council*, In reliance on these just and elevated sentiments of the President, and in accordance with an act of the National Council, passed December 18th, 1844, that John Ross, Principal Chief, Richard Taylor, John Looney, T. Walker, Moses Daniel, W. S. Coodey, Joseph Vann, Aaron Price and John Spears, be,

and they are hereby appointed a Delegation fully to represent the Cherokee Nation before the Government of the United States.

*Resolved*, That the aforesaid John Ross, R. Taylor, John Looney, T. Walker, Moses Daniel, W. S. Cooley, Joseph Vann, A. Price and John Spears, be, and they are hereby invested with full powers to conclude a treaty with the Government of the United States, and to do all other things which may be required for the final adjustment of all questions and matters of interest now pending between the parties, and bringing them to a final close.

*And be it further resolved*, That the said John Ross, R. Taylor, J. Looney, T. Walker, Moses Daniel, W. S. Cooley, Joseph Vann, A. Price and J. Spears, be, and they are hereby authorized to apply to the Government of the United States, or the proper officers thereof, and to receive all sums of money due on any account whatever, and receipt for the same, in the name and on behalf of the Cherokee Nation.

*Resolved*, That in the event of any vacancy occurring in the Delegation, the Principal Chief be, and he is hereby authorized to fill the same by appointment.

*Tahlequah, January 13th*, 1845.

Approved—JNO. ROSS.

——o:o——

*An Act making appropriations for the support of Public Schools for the year* 1845.

*Be it enacted by the National Council*, That the sum of seven thousand and two hundred dollars be, and the same is hereby appropriated, out of any money in the National Treasury, belonging to the School Fund, not otherwise appropriated, for the support of the Public Schools, provided for by law, during the year 1845.

*Be it further enacted*, That the sum of three thousand six hundred dollars be, and the same is hereby appropriated, out of any money in the National Treasury, belonging to the Orphan Fund, not otherwise appropriated, for the board and clothing of the orphan children who may attend the several Public Schools, the amount expended at each school, not to exceed the sum of two hundred dollars.

*Be it further enacted*, That the sum of four hundred dollars be, and the same is hereby appropriated, out of any money in the National Treasury, belonging to the School Fund, not otherwise appropriated, for the purchase of books, slates and stationary, for the use of the Public Schools.

*Be it further enacted*, That the Principal Chief be, and he is hereby authorized to draw warrants on the National Treasury, for the amounts herein appropriated, in accordance with the provisions of the Act passed November 16th, 1843, entitled "an Act to amend an Act, relative to public schools."

*Tahlequah, January 14th*, 1845.

Approved—JNO. ROSS.

——o:o——

*An Act authorizing the making of a loan from the General and Orphan School Fund.*

*Whereas*, The public funds now in the National Treasury, are not sufficient to meet the debts outstanding against the Nation; Therefore,

*Be it enacted by the National Council*, That there be a loan made from any moneys in the National Treasury, belonging to the General School Fund, to the amount of fifty thousand dollars, and out of the Orphan Fund six thousand dollars, to meet the debts outstanding against the Nation. The sum thus borrowed shall draw interest at the rate of two per cent. per annum, and be paid out of the public funds first paid into the National Treasury.

*Be it further enacted*, That the Principal Chief be, and he is hereby authorized to draw warrants on the National Treasury, for the above named sum.

*Tahlequah, January 17th*, 1845.

MOSES DANIEL, *Pres't Nat. Committee.*

Concurred—A. CAMPBELL, *Speaker Coun. pro tem.*

The Principal Chief having returned the above Bill, with his objections thereto, in writing, to the National Committee the Committee and Council, proceeded to vote on the Bill, when it was passed by a vote of two thirds.

*Tahlequah, January 18th*, 1845.

MOSES DANIEL, *Pres't Nat. Committee*

A. CAMPBELL, *Speaker Council pro. tem*

*An Act to reduce the number of Executive Councillors to three.*

*Be it enacted by the National Council,* That the number of Executive Councillors be and the same is hereby reduced to three from and after this date.

*Tahlequah, October 9th,* 1845.

Approved—GEORGE LOWREY, *Acting P'l Chief.*

———o:o———

*An Act relative to trial, expenses &c. of Assault and Battery suits.*

*Be it enacted by the National Council,* That from and after the passage of this act, prosecutions for assault and battery shall be tried only at the regular term of holding courts, and the jury empannelled at such terms for the trial of civil suits shall be competent to decide all such cases, and verdicts return as in civil cases provided for.

*Be it further enacted,* That all expenses attending the prosecution of such suits shall be borne and paid by the parties as in civil cases; and not by the Nation.

*Be it further enacted,* That in all cases of personal abuse or injury sustained by violence, the party injured shall have redress by the recovery of damages at the discretion of the court, (having jurisdiction) in such sums as may be determined.

*Tahlequah, October 13th,* 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

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*An Act to amend the "Act establishing the Judiciary."*

*Be it enacted by the National Council,* That from and after the passage of this Act, it shall be the duty of the Sheriffs of the several Districts, when arrests are made of persons charged with criminal offences, to notify some one of the Judges having jurisdiction over such cases of such arrest, the nature of such charges, &c., as early as possible, and without any delay whatever, in order that a speedy public trial may

be had, or such bail required as may be deemed necessary by the Judge, to be given by the criminal to the Sheriff in bond and security for his or their appearance at such time and place as may be designated for trial.

In case the accused shall fail to give the required bond and security within a reasonable time, he, she, or they, shall be brought to an immediate trial.

*Tahlequah, Oct. 14th,* 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*An Act repealing an Act passed 23d October,* 1843.

*Be it enacted by the National Council,* That the Act passed October 23d 1843, to amend an act for the punishment of criminal offences, be, and the same is hereby repealed.

*Tahlequah, Oct. 16th,* 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*An Act to amend the Judiciary Act.*

*Be it enacted by the National Council,* That the "Act establishing the Judiciary,'" passed September 23d, 1839, be, and the same is hereby so amended that in lieu of twenty-four jurors being summoned to try all criminal cases, there shall only be summoned twelve jurors, six of whom shall be competent to try all criminal cases, except such as may involve the penalty of death, and verdict return as provided for in said act of 1839. In all cases involving capital punishment there shall be twenty-four jurors summoned as before provided.

*Tahlequah, Oct. 20th,* 1845.

Approved—GEORGE LOWREY, *Acting P Chief.*

———o:o———

*An Act to allow Criminals to testify in certain Cases.*

*Be it enacted by the National Council,* That it shall be lawful from and after the passage of this act, when two or

more persons are charged with a criminal violation of law, and it is difficult to obtain testimony in favor of the prosecution, for one of the party so charged to be allowed to give testimony against the others and in behalf of the prosecution, and such person so testifying shall himself be exempted from trial in such particular case wherein he may thus be allowed to become a witness. Permission however, to testify in such cases shall only be granted by the Court having jurisdiction over the matter and while in session and upon the application only of the Solicitors of the several Districts for that purpose, or by the person conducting the prosecution.

*Tahlequah, October 21st*, 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*An Act to amend an "Act for the benefit of certain Blind Persons."*

*Be it enacted by the National Council*, That the first section of the Act passed December 26, 1842, for the benefit of certain blind persons," be, and the same is hereby amended, that in lieu of "thirty dollars annually" being allowed for the purchase of clothing, there shall be allowed twenty dollars annually for that purpose.

*Tahlequah, Oct. 22d*, 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*An Act to amend an "Act relating to Public Cooks."*

*Be it enacted by the National Council*, That from and after the adjournment of the present session of the National Council, the number of Public Cooks provided for at each annual session of the National Council, be reduced from "six" to *two*. Provided, however, that the Principal Chief shall have authority at any call session or when it is expected that a large assemblage of the Cherokees shall be in attendance, to appoint an additional number, if he should deem it necessary.

*Tahlequah, Oct. 23d*, 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

*An Act to amend "an Act respecting the issuing of Certificates."*

*Be it enacted by the National Council*, That the Act, passed November 28, 1843, be, and the same is hereby so amended, that the Sheriffs and Clerks of the Courts for the several Districts be, and they are hereby required, to make their Report of all certificates issued by them, to the National Committee, during the first week of the annual sessions of the National Council.

*Tahlequah, October 23d*, 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———:o———

*An Act to amend "an Act relative to Estates and Administrators.*

SEC. 1st. *Be it enacted by the National Council*, That the act passed 24th of September, 1839, relative to estates and administrators, be and the same is hereby amended so as to require Executors of Wills and Administrators on estates of deceased persons, to report annually to the District Judges at the regular term of the District courts held in July, the condition of, and all that may have been done by them in reference to the business, property, and effects of such estate as he, she, or they may have in charge.

SEC. 2d. *Be it further enacted*, That Executors of Wills and Administrators shall be entitled to a compensation of eight per cent, upon the amount of property and effects belonging to an estate, for their services, which shall be appraised by two or more persons, to be appointed by the District Judge under oath.

SEC. 3d. *Be it further enacted*, That it shall be lawful for an administrator or other person having charge of an estate where there is money or property left, after settling the debts of the estate, and there are minor heirs, to apply a portion of such money or property to their education at the public schools in this nation, and any money or property so applied shall be charged to such heir as so much received of his or her portion of such estate.

*Tahlequah, Oct. 29th*, 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

*An Act relative to the appointment of National Solicitors.*

*Be it enacted by the National Council*, That the act passed 18th October, 1841, relative to Solicitors or Attorneys, and the act passed 30th October, 1843, to amend the same, be and they are hereby repealed.

Sec. 2d. *Be it further enacted*, That there shall be elected by a joint vote of the National Council, a Solicitor for each Judicial Circuit, whose duty shall be to prosecute, in behalf of the Cherokee Nation, all persons charged with criminal offences, and who may be arraigned for trial before any of the Courts in their respective Circuits.

Sec. 3. *Be it further enacted*, That the solicitors shall be elected for the term of two years, and commissioned by the Principal Chief, and shall be entitled to a compensation for their services of three hundred dollars per annum out of the National treasury; and before entering on the duties of their office shall be required to take the following oath:—"I do solemnly swear that I will as Solicitor for and in behalf of the Cherokee Nation prosecute all persons who may be arraigned for trial before any of the Court in the Judicial Circuit assigned me charged with criminal violation of the laws of this Nation," to the best of my skill and ability; and that I will not receive any fee, or remuneration from any criminal either directly or indirectly, but bear true faith to the Nation in all criminal prosecutions."

*Provided further*, That each Solicitor may if he shall deem it necessary and proper for the interest of the Nation, appoint a deputy at his own expense to act in his stead, and who shall be required also to take the above oath.

*Tahlequah, Nov. 3d, 1845.*

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*Resolutions authorizing the Chief to appoint a Guard of six men, to guard the public papers, Documents, &c.*

*Resolved by the National Council*, That the Acting Principal Chief be, and he is authorized to appoint a guard of six persons to be stationed at the residence of the Principal Chief, for the preservation and protection of the books, papers, documents, &c., belonging to the Nation:

*Resolved further*, That each of the guard be allowed a compensation out of the National Treasury of ten Dollars per month, except the one who may be designated by the Chief to the command of the guard, who shall be allowed fifteen dollars per month:

*Provided, further*, That the Chief discontinue the services of this guard when he shall deem it proper or expedient. Compensation shall be allowed for boarding the guard.

*Tahlequah, Nov. 5th*, 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———:o———

*Be it enacted by the National Council*, That William P. Ross, Editor of the Cherokee Advocate, be and he is hereby authorized to have a Brick house erected under his superintendency in the town of Tahlequah, Cherokee Nation, of suitable dimensions for a printing office to be completed before the next annual Council, the cost of which shall not exceed eight hundred dollars. And the act passed January 16th, 1845, authorizing the Editor to make any alteration he might deem necessary to the stairway and to have a chimney put to the present printing office, is hereby repealed.

*Tahlequah, Nov. 7th*, 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*An Act to amend the "Act for building Court Houses.*

*Be it enacted by the National Council*, That the Act passed Nov. 30th, 1842, entitled "An Act for building court-houses" be, and the same is hereby amended, by striking out the word "Sheriffs" wherever it occurs in said Act.

*Tahlequah, Nov. 7th*, 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*Be it enacted by the National Council*, That a company of Light-horse-men be organized, consisting of twenty-six persons, for the purpose of searching after and bringing to pun-

ishment, all persons charged with murder, and house-burning, and who are now at large and endangering the peace and lives of the citizens of this Nation.

*Be it further enacted*, That the Principal Chief is hereby authorised to appoint and commission a Captain and Lieutenant, who shall immediately select and organize a company of twenty-four men besides themselves, and command them for the purposes set forth above, and are required to use all exertion and vigilance in ferreting out and bringing all such violators of law and personal security to condign punishment; and in case of refusal to submit or resistance on the part of such offenders, it shall be justifiable to kill them, or any person aiding them in resisting the enforcement of the laws of this Nation.

*Be it further enacted*, That the Captain shall receive a compensation for his services at the rates of twenty dollars per month—the Lieutenant fifteen dollars, and each private ten dollars per month—and a reasonable allowance shall also be made for all necessary expenses while in service, such as horse-sleeing, provisions, forage, ferriages, ammunition, &c., and which shall be reported to the Executive, certified to by the officers of the company.

*Provided further*, That the Executive may dispense with the services of this light-horse company when in his judgment the quiet of the country and safety of our citizens may justify.

*Tahlequah, Nov. 8th*, 1845.

A. CAMPBELL, *Speaker Council.*

The National Committee concur in the above Act with this amendment, that the Lieutenant shall receive eighteen dollars and each private fifteen dollars per month.

W. S. COODEY, *Pres't Nat. Committee.*

Approved—GEORGE LOWREY.

———o:o———

*An Act providing for the translation of the laws and the constitution into the Cherokee Language.*

Sec. 1. *Be it enacted by the National Council*, That the Act passed 5th October, 1839, and the amendment to same of Dec. 14th, 1842, providing for the translation "of the laws of the Nation into the Cherckee language," be and the same are hereby repealed.

Sec. 2. *Be it further enacted*, That the National Committee select and agree with some suitable person or persons to translate the "Act of Union," the Constitution of the Nation, and all laws which may be in force at the adjournment of the present session of the National Council, also the laws of the Western Cherokees as they existed at the time of the "Union of the two branches of the Cherokee people, and to have the same published in one book as soon as practicable.

*Provided further*, That the laws of the Western Cherokees as in existence above stated, be published under direction of the National Committee in the English language.

Sec. 3. *Be it further enacted*, That the National Committee allow such compensation for the services contemplated by this Act as may be deemed reasonable and proper.

Sec. 4 *Be it further enacted*, That in case any vacancy should occur in selection or appointment of persons under this Act, to Principal Chief be and is hereby authorized to fill suchvacancy.

*Tahlequah, Nov. 10th, 13th*, 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*An Act to repeal an Act appointing Solicitors.*

*Be it enacted by the National Council*, That the Act passed 3d day of November, 1845, relative to the appointment of Solicitors, and the act passed the 18th of October, 1841, relative to the appointment of Solicitors or Attornies, as also the Act passed to amend the same, dated the 30th October, 1843, be and the same are hereby repealed.

*Tahlequah, November 15th*, 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*An Act authorizing the Chief to appoint a Committee of four persons for objects therein named.*

*Be it enacted by the National Council*, That the Principal Chief be and he is hereby authorized to appoint a committee of four persons, to repair forthwith to that portion of the Cher-

okee Nation now in a disturbed condition, with such instructions, by the Chief, as shall enable said Committee to promote peace and other duties that the Chief may deem prudent to assign.

*Tahlequah, Nov. 17th,* 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

——o:o——

*An Act appointing the Editor of the Cherokee Advocate Mail Carrier and his compensation.*

*Be it enacted by the National Council,* That from and after the passage of this Act, the Editor of the Cherokee Advocate be allowed a compensation of ten dollars per year for carrying the mail from Tahlequah, transmitting newspapers, &c. to the Post Office at Park Hill and back.

*Tahlequah, November 17th,* 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

——o:o——

*An Act to punish attempts on Rape.*

*Be it enacted by the National Council,* That the Act passed September 19th, 1839, for "the punishment of criminal offences," be and the same is hereby amended, so, that in case any Negro shall be convicted before the Courts of this Nation, of attempting by violence to commit a rape, he shall be punished with one hundred lashes.

*Tahlequah, October 17th,* 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

——o:o——

*Be it enacted by the National Council,* That the Superintendent of schools be and he is hereby authorized to locate and establish a public school at "Muddy Spring" in Flint District, in addition to the number already in operation—and one other school also in Going Snake District at or near the residence of I. A. Few.

*Tahlequah, November 18th,* 1845.

Approved—GEORGE LOWREY.

*Be it enacted by the National Council*, That the Superintendent of Schools be and the same is hereby authorized to locate and establish a public school at a point or spring, between Moses Daniel's and R. B. Daniel's, in Delaware District, in addition to the number already established.

*Tahlequah, November 18th*, 1845.

Approved—GEORGE LOWREY.

———o:o———

*Be it enacted by the National Council*, That the Superintendent of schools be and the same is hereby authorized to locate and establish a public school, at or near Tahlequah, in lieu of one located at Fourteen Mile Creek, which is hereby discontinued.

*Tahlequah, November 26th*, 1845.

Approved—GEORGE LOWREY.

———o:o———

*Be it enacted by the National Council*, That all certificates purporting to be for services, &c., against the Nation, and issued by any of the officers under the Act of the 28th November, 1843, and which shall not upon examination be found to correspond with the certified returns of such officers, shall not be considered valid or binding on the Nation.

This act to take effect on the adjournment of the present session of the National Council.

*Tahlequah Dec. 1st*, 1845.

Approved—GEORGE LOWREY, *Acting Chief*.

———o:o———

*Be it enacted by the National Council*, That there be forthwith organized an additional Light Horse company to consist of twelve men, a Captain and a Lieutenant, to be appointed and commissioned by the Principal Chief, who shall immediately select and organize a company of ten men besides themselves, whose duties, duration, compensation, and allowance shall be the same as those provided for in the act passed 8th November, 1845.

*Tahlequah, Dec. 1st*, 1845.

Approved—GEORGE LOWREY, *Acting P. Chief*.

*An Act providing for the Translation of the Laws of* 1845.

*Be it enacted by the National Council,* That the persons selected by the National Council be, and they are hereby requested and instructed to translate the laws enacted at the present session of the National Council, as soon as practicable; and the Principal Chief cause the same to be published, (say 500 copies) and distributed through the Nation: and that the same be printed also, in the English language, for circulation.

*Tahlequah, Dec. 2d,* 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*Be it enacted by the National Council,* That the Acting Principal Chief be, and he is hereby requested to remain at the residence of the Principal Chief, at Park Hill, during the excitement in the country, for the purpose of giving correct information of the affairs in the Nation: and that a reasonable allowance shall be made for his board, while he remains at Park Hill.

*Tahlequah, December 3d,* 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*An Act appropriating Fifty Dollars to purchase Books for the use of the Public Schools.*

*Be it enacted by the National Council,* That the sum of fifty dollars be, and the same is hereby appropriated, out of the General School Fund, for the purchase of books for the use of the Public Schools of the Nation: and that the same be placed, by the Chief, in the hands of the Superintendent for that purpose.

*Tahlequah, December 4th,* 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*Be it enacted by the National Council,* That the "Act relative to Public Schools," be, and the same is hereby so amended, that from and after the 31st day of January next,

the Orphans placed in the Public Schools shall be boarded and clothed at the rate of thirty dollars each, for the scholastic year; and the number of such scholars in the different schools shall not exceed one hundred and twenty, and be regulated by the Superintendent. All such orphans so received into the schools shall be destitute of parents, and under the age of eighteen years.

*Be it further enacted*, That the third section of the Act passed 23d December, 1843, amendatory of the "Act relative to public schools," be and the same is hereby repealed.

*Tahlequah, Dec. 4th*, 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

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*Declaration of the National Council of the vacancy of the Sheriffalty of Flint District.*

WHEREAS, the Sheriff of Flint District, William Griffin, has left the Cherokee Nation, and is now a "refugee" in Washington county, Arkansas, and having fled the country in violation of his duties as an officer, therefore,

The National Council, in view of these facts, do hereby declare the office of Sheriff for Flint District to be vacant, and that the same be filled by Executive appointment as provided for in such cases by the Constitution.

*Tahlequah, December 4th*, 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*An Act authorizing the Editor of the Cherokee Advocate to remove the Printing Press into the Court House at Tahlequah.*

*Be it enacted by the National Council*, That the Editor of the Cherokee Advocate be, and he is hereby authorized, to remove the printing press, papers, &c., belonging to the establishment, into the Court House at Tahlequah, upon the adjournment of the present session of the National Council, and to occupy the same for printing, until the time fixed for the next session of the Supreme Court.

*Tahlequah, Dec. 4th*, 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

*An Act to authorize the Chief to suspend from Office, &c.*

*Be it enacted by the National Council,* That in all cases of mal-practice in office, or violation of the laws, by the officers of the Nation, either of the Judiciary or Executive department, or upon refusal or omission to perform their duties, the Principal Chief be and he is hereby authorized to suspend from office, until the next session of the National Council, any officer who may be charged with any of the above allegations and proof sufficient is made to substantiate the same before the Executive. And in case of the suspension of any officer as above provided for, the Principal Chief shall appoint some suitable person to discharge the duties of such officer until the National Council, at its next session, shall otherwise determine.

*Tahlequah, December 5th,* 1845.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*An Act to amend an Act relative to the right of citizenship passed January 11th,* 1846.

*Be it enacted by the National Council,* That the President of the National Committee be, and he is hereby authorised and required to issue summons directed to the Sheriffs of the several Districts, requiring all persons now residing within the limits of this Nation, whose right to citizenship is doubtful or disputed, to appear before the National Council, on or before the first Monday in November next to establish the same or otherwise be subject to a removal as intruders.

*Tahlequah, Oct. 12th,* 1846.

Approved—W. S. COODEY, *Acting P. Chief.*

———o:o———

*An Act authorising the appointment of Solicitors or Attornies.*

*Be it enacted by the National Council,* That a Solitor or Attorney be appointed or chosen for each District by a joint vote of both houses of the National Council, whose term of

service shall be one year; and such Solicitor or Attorney before he enters upon the duties of his office, shall be commissioned by the Principal Chief.

*Be it further enacted*, That it shall be the duty of such Solicitors or Attornies to prosecute in behalf of the Nation, all persons charged with criminal offences, that may be brought before any of the Courts of the Nation. And such Solicitor or Attorney shall be paid a salary of one hundred dollars out of the National Treasury.

*Be it further enacted*, That such Solicitor or Attorney shall be required before he enters upon the duties of his office to take the following oath or affirmation: "You do solemnly swear, that you as Solicitor or prosecuting Attorney for and in behalf of the Cherokee Nation, will to the best of your skill and abilities, prosecute all persons charged with criminal offences, that may be brought before any of the Courts in the District of ——— and that you will not take or receive, any remuneration of any person charged with any criminal offence, but be faithful to the Cherokee Nation in all prosecutions to the best of your ability, so help you God."

*Tahlequah, Oct. 14th*, 1846.

Approved—W. S. COODEY, *Acting P. Chief.*

———o:o———

*An Act to mend an Act passed 19th September*, 1839.

*Be it enacted by the National Council*, That from the passage of this act, if any person or persons shall maliciously set fire to and burn the dwelling house of another, such person or persons so offending, on conviction thereof by the courts having jurisdiction of the same, shall suffer death by hanging.

*Tahlequah, October 14th*, 1846.

Approved—W. S. COODEY, *Acting P. Chief.*

———o:o———

*An Act to sell Stray Property for prompt Payment.*

*Be it enacted by the National Council*, That the Act passed 11th October 1841, which makes it the duty of the

Sheriffs to sell stray property on a credit of six months, be so amended, as to make it his or their duty after the usual notice given, to sell such stray property for prompt payment, for the benefit of the National Treasury; and that the first section of the above act from and with the word "on" be and the same is hereby repealed.

*Tahlequah, October 16th*, 1846.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*An Act to repeal an Act passed November 7th* 1845.

*Be it enacted by the National Council,* That in view of the unfavorable condition of our finances, to erect additional buildings for the Printing Office, it is deemed expedient to repeal the act authorizing the same; therefore the Act passed November 7th, 1845, is hereby repealed.

*Tahlequah, Oct. 16th*, 1846.

Approved—W. S. COODEY, *Acting P. Chief.*

———o:o———

*An Act to amend an Act, entitled "an Act for the punishment of thefts, and other crimes, passed 19th Sept.* 1839.

*Be it enacted by the National Council,* That any person or persons, who may be convicted of stealing a negro or negroes, shall suffer death by hanging. And any person or persons, who may be convicted of stealing a horse, mule, jack or jinny, for the first offence shall be punished with not less than one hundred stripes on the bare back, and compelled to make payment as is provided for in said act, and any person or persons, who upon conviction before any Court having jurisdiction of the same, of stealing a horse, jack, mule or jinny, for the third offence, shall suffer death by hanging. This Act to take effect from and after its passage; all laws, or parts of laws, militating against this act, are hereby repealed.

*Tahlequah, Oct. 17th*, 1846.

C. V. M'NAIR, *Pres't Committee.*

Approved—GEORGE LOWREY, *Acting P. Chief.*

*An Act to repeal an Act passed 13th January 1845.*

*Be it enacted by the National Council,* That the Act passed January 13th, 1845, relative to the buildings and improvements, known as the "Dragoon Quarters," be and the same is hereby repealed.

*Tahlequah, Oct. 20th 1846.*

Approved—GEORGE LOWREY, *Acting P. Chief.*

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*An Act to authorize the Chief to issue quarterly Warrants to the Editor of the Cherokee Advocate.*

*Be it enacted by the National Council,* That the Principal Chief be, and he is hereby authorized to issue a warrant in future on the National Treasurer for the quarterly payment of the salary of the Editor of the Cherokee Advocate.

*Tahlequah, Oct. 23d, 1846.*

Approved—GEORGE LOWREY, *Acting P. Chief.*

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*A special Act allowing compensation to a Guard appointed by the Acting Chief.*

*Be it enacted by the National Council,* That the following sums be and the same are hereby appropriated for the benefit of the persons named below, for services rendered as a guard, appointed by the Acting Chief, in August and September, 1846, and for which the Chief is hereby authorized to issue his warrants.

| | | |
|---|---|---|
| Young Wolf, | *Captain,* | $26 00 |
| Young Chicken, | *Private* | 10 33 1-3 |
| Good Woman, | " | 5 66 2-3 |
| Wilson, | " | 15 66 2-3 |
| John, | " | 2 33 1-3 |

*Tahlequah, October 27th, 1846.*

Approved—GEORGE LOWREY, *Acting P. Chief.*

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*Resolution of the Council, declining to have the census of the People taken.*

WHEREAS, a communication has been submitted by the Acting Chief transmitting a letter and documents from the United States Agent, requesting the members of the National

Council to furnish him with the census and statistics of the Cherokee Nation, under instructions from the Government of the United States.

*Be it therefore resolved by the National Council*, That touching the services of the members of the National Council, in a measure of taking the census of the Cherokee Nation, in the manner prescribed; it is deemed to be impracticable to arrive at any thing like accuracy.

*Tahlequah, October 28th*, 1846.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*Special Act for the Benefit of E. Hicks.*

*Be it enacted by the National Council*, That the sum of five hundred and sixty one dollars be and the same is hereby appropriated out of any monies not otherwise appropriated, in the National Treasury, for the benefit of E. Hicks, for a balance of services due him, as a delegate to Washington City in the year 1844, and the Principal Chief is hereby authorized to issue his warrant for the same.

*Tahlequah, Oct. 30th*, 1846.

Approved—JNO. ROSS.

———o:o———

*An Act to amend an Act relating to Public Schools.*

*Be it enacted by the National Council*, That the act passed 16th Dec., 1841, relating to public schools, be, and the same is hereby further amended, so as to make it the duty of the Superintendent of public schools to remove a school which may not be sustained according to law, and locate it in some neighborhood where it will be so sustained—the requirement of any act to the contrary notwithstanding.

*Tahlequah, Nov. 6th*, 1846.

Approved—JNO. ROSS.

———o:o———

*An Act to repeal an Act passed January 9th 1845.*

*Be it enacted by the National Council*, That the Act passed the 9th day of January 1845, authorising the Principal

Chief to offer a reward of three thousand dollars, for the apprehension of persons therein named, be and the same is hereby repealed.

*Tahlequah, Nov. 9th,* 1846.

Approved—JNO. ROSS.

——o:o——

*An Act to repeal.*

*Be it enacted by the National Council,* That so much of the law passed the 11th of October, 1841, respecting stray property as authorises one dollar per week to be paid for keeping stray horses, jacks, jinnies or mules, be and the same is hereby repealed.

*Tahlequah, November 18th,* 1846.

Approved—JNO. ROSS.

——o:o——

*An Act to amend an act relative to intermarriages with Whitemen.*

*Be it enacted by the National Council,* That the act passed 15th of November, 1843, relative to intermarriages, be and the same is hereby so amended; that should any white man or woman become a citizen, or citizens of the Cherokee Nation by marriage, and such Cherokee woman or man (as the case may be) should die, the surviving widower, or widow shall continue to enjoy Cherokee privileges—unless such widower or widow shall marry a white man or woman (as the case may be) then in that case all their right to Cherokee citizenship shall cease, this act to take effect from and after its passage.

*Tahlequah, Nov. 10th,* 1846.

Approved—JNO. ROSS.

——o:o——

*An Act relative to the Improvements of rejected Citizens.*

*Whereas,* the National Council passed a resolution requiring all persons residing within the limits of the Cherokee

Nation, whose right to citizenship was disputed or doubtful, to appear before the National Council on or before the first Monday in November 1846—then and there to establish their right to citizenship, or otherwise to be subject to removal as intruders; and several of such doubtful citizens having failed to establish their right to Cherokee citizenship. Therefore

*Be it enacted by the National Council*, That all the improvements owned and occupied by such citizens as have failed to establish their right, be and the same are declared to be public property of the Cherokee Nation, and all persons are hereby prohibited from locating on or purchasing said improvements from such rejected citizens.

*Be it further enacted*, That it shall be the duty of the Sheriffs of the District in which such improvement may be situated, to take possession of such improvements in the name of the Cherokee Nation, and having publicly advertised the same, for thirty days, sell the said improvements to the highest bidder, for ready money, National warrents, or due bills, for the benefit of the National Treasury.

*Be it further enacted*, That the person or persons, who may purchase the improvements occupied by Levi Childers, John Schrimsher, William Schrimsher, Edward Vann, James Childers, Eli Palmer, Laban Cork, and Lemuel Childers, shall not be entitled to the possession of the houses, before the first day of May 1847. The National Council having permited the said named persons to remain in the Cherokee Nation until that time to enable them to settle up their business.

*Be it further enacted*, That a list of the names, of all those whose right to citizenship have been rejected, be furnished the Principal Chief, and by him reported to the Cherokee Agent, to be removed forthwith without the limits of the Cherokee Nation as intruders, (except John Schrimsher and others named in this act.)

*Tahlequah, Nov 11th*, 1846.

Approved—JNO. ROSS.

———o:o———

*An Act making valid certain Claims.*

*Be it enacted by the National Council*, That the certificates issued by Captain Martin Benge in consideration of

public services rendered and supplies furnished in the year 1846, and the said Benge having omitted to register the same according to the requirements of the law provided for in such cases are hereby recognized as valid and allowed.

*Be it further enacted*, That the following certificates and amounts are included in the foregoing act: To George Lowrey for six dollars, to Richard Benge for seventy-five dollars, to Blackhaw Langley for sixty dollars, to Cucumber Jack three dollars, to Nicholas Alexander thirty seven dollors and fifty cents, to Benjamin Sanders six dollars.

*Tahlequah, Nov. 16th*, 1846.

Approved—JNO. ROSS.

———o:o———

*An Act to amend an Act passed September 23rd*, 1839.

*Be it enacted by the National Council*, That in all cases where any person or persons, may be charged with crimes, not involving the penalty of death, under the laws of this Nation, it shall be the duty of the Sheriff in whose District such person may be so charged, to summons a guard of two persons to assist him, and to arrest said person, and to guard the same until tried by the court or otherwise disposed of; and where two persons are so charged, the said Sheriff shall summons four persons, and so in the same proportion where more persons may be charged with such crimes, as aforesaid.

*Tahlequah, Nov. 17th*, 1846.

Approved—JNO. ROSS.

———o:o———

*Be it enacted by the National Council*, That the sum of three hundred dollars be, and the same is hereby appropriated to be paid to James M. Payne, for services as Superintendent of Public Schools for the current year, out of any money of the general school fund in the Treasury not otherwise appropriated.

*Tahlequah, Nov. 18th*, 1846.

A. FOREMAN, *Pres't pro tem.*

Approved—JNO. ROSS.

*An Act making valid certain Claims.*

*Be it enacted by the National Council,* That the certificates issued by Charles Wickliff, Deputy Sheriff of Saline District, in consideration of supplies furnished guard and prisoner in the year 1846, and the said Charles Wickliff having omitted to register the same according to the requirement of the law provided for in such cases; are hereby recognized to be valid and allowed.

*Be it further enacted,* That the following certificates and amounts are included in the foregoing act; to J. Mulkey, thirteen dollars, to J. Mulkey, ten dollars.

*Tahlequah, Nov. 19th,* 1846.

Approved—JNO. ROSS.

———o:o———

*An Act establishing the Court House in Illinois District, at or near James Mackey's, on the Military Road.*

*Be it enacted by the National Council,* That the Court House for Illinois District, be, and the same is hereby authorized to be located and built at or near James Mackey's on the military road, and all acts which authorise the location of the said Court House elsewhere, be, and the same are hereby repealed.

*Tahlequah, November 20th,* 1846.

Approved—JNO. ROSS.

———o:o———

*Be it enacted by the National Council,* That the law passed on the 5th December 1842, entitled "An Act to exempt property from public Sale," which act was continued in full force and virtue for the term of two years from the 5th of December 1845, be and the same is hereby continued for one year longer from the 5th of December next.

*Tahlequah, November 21st,* 1846.

Approved—JNO. ROSS.

———o:o———

*An Act for the Relief of D. Vann and James S. Vann.*

*Be it enacted by the National Council,* That the lessees of the National Saline, known as James McNair's Saline, in

Grand River, rented to James S. Vann, by an Agent of the Nation, and afterwards taken and assumed by David Vann as the Lessee, after the first year's rent be and the same is hereby cancelled, together with the bond and sum executed for the payment of the aforesaid rent.

*Tahlequah, 23d November,* 1845.

Approved—JNO. ROSS.

———o:o———

WHEREAS, various and important business with the government of the United States, both of a public and private character, remain in an unsettled condition, which requires to be definitively settled, and with a view to a final settlement of the aforesaid matters:

*Be it resolved by the National Council,* That there be nominated and appointed a delegation or agents of this Nation, to consist of three persons, to represent the Cherokee people before the Government of the United States.

*Tahlequah, November 24th,* 1846.

Approved—JNO. ROSS.

———o:o———

*An Act authorizing the Principal Chief to appoint an Agent to sell Town-lots in Tahlequah.*

*Be it enacted by the National Council,* That the Principal Chief be, and he is hereby authorized to appoint an Agent for and on behalf of the Cherokee Nation, whose duty it shall be to advertise in the Cherokee Advocate, all the unsold lots in the town of Tahlequah, and sell them to the highest bidder agreeable to the Act passed October 28th, 1843—authorizing the laying off, of the Tahlequah Council Ground into town-lots, and to dispose of the same.

*Tahlequah, Nov. 25th,* 1846.

Approved—JNO. ROSS.

———o:o———

*An Act for the Establishment of two Seminaries or High Schools: one for the education of Males, and the other of Females, and for the erection of buildings for their accommodation.*

WHEREAS, the improvement of the moral and intellectual condition of our people, is contemplated by the Constitution, and whereas, we are now in the possession of means sufficient

to carry out, to a further degree of maturity, the National system of education already commenced: Therefore,

*Be it enacted by the National Council*, That two Seminaries or High Schools be established, one for males, and the other for females; in which all those branches of learning shall be taught, which may be required to carry the mental culture of the youth of our country to the highest practicable point.

*And be it further enacted*, That such buildings be erected, as may be required for the accommodation of about one hundred pupils of each sex, together with the teachers and attendants who may be employed to conduct the said Seminaries or High Schools.

*And be it further enacted*, That the Principal Chief and Executive Council, be, and they are hereby authorized to mature and determine on the most convenient plan for said buildings, select sites for their location, receive proposals, and make the necessary contracts for the erection of the same.

*Be it further enacted*, That the Principal Chief and the Executive Council be required in making the location or purchases of the aforesaid sites, not to pay more than three hundred dollars for any improvement that may be on said site; and also, that the same shall be located within fifteen miles of Tahlequah, having regard to a healthy site with sufficient timber and good water.

*And be it further enacted*, That the Principal Chief, be, and he is hereby authorised to issue warrants on the National Treasurer, for such sums as may be required to meet the said contracts, to be paid out of any monies, belonging to the School fund, which may be in the hands of the National Treasurer, and not otherwise appropriated.

*Tahlequah, Nov. 20th*, 1846.

Approved—JNO. ROSS.

———o:o———

*An Act appointing Wm. Wilson to take Testimony.*

*Be it enacted by the National Council*, That William Wilson be, and he is hereby authorised to procure such testimony as may be necessary, by affidavit, before any author-

ized officer of the Cherokee Nation, or of the United States, in relation to the claim of Thomas Hazen, preferred against the Cherokee Nation, in order to rebut the same if practicable, and to return the same to the Principal Chief to be reported through the United States Agent for the information of the Government of the United States.

*Tahlequah, November 25th*, 1846.

Approved—JNO. ROSS.

———o:o———

*An Act to remove a Precinct.*

*Be it enacted by the National Council*, That the precinct heretofore established at the house of John Huss on Honey Creek, Delaware District, be, and the same is hereby removed from that place to Thomas Woodard's house on Grand River, Delaware District.

*Tahlequah, Nov. 27th*, 1846.

Approved—JNO. ROSS.

———o:o———

WHEREAS, we learn with regret that the Commissioners appointed by the President, to investigate and adjudicate the claims of our citizens, on the Government of the U. States, have organized their board at Washington: and whereas, at such a distance from the residence of the witnesses, it will be impossible to prevent frauds from being practiced by dishonest men, while it will be difficult and expensive for just claimants to establish their rights—and many among the poorer classes will doubtless be prevented from presenting their claims at all, therefore,

*Resolved by the National Council*, That a respectful communication be made to the President, calling his attention to the subject, and reiterating the arguments used by the late Delegation, in their communication on the subject.

*Resolved further*, That the Principal Chief be required, respectfully to ask the co-operation of the United States Agent, in commending the subject to the favorable consideration of the President; to the end that the just rights of our citizens may be secured.

*Tahlequah, November 30th*, 1846.

Approved—JNO. ROSS.

*An Act to establish an additional precinct in Going Snake District.*

*Be it enacted by the National Council*, That an additional precinct be established in Going Snake District at or near Gah-lah-cho-lut-tah's in said District.

*Tahlequah, Dec. 1st*, 1846.

Approved—JNO. ROSS.

———o:o———

*An Act making appropriations for the expenses of the Delegation.*

*Be it enacted by the National Council*, That the sum of three thousand dollars be, and the same is hereby appropriated out of any monies in the National Treasury, not otherwise appropriated, to defray the necessary expenses of the Delegates appointed by the present Council to visit Washington City on business of the Nation—and each of said Delegates be allowed for their services, three dollars per day while absent on their mission.

*Tahlequah, December 1st*, 1846.

Approved—JNO. ROSS.

———o:o———

*An Act annexing a tract called 800,000 acres of land, to Delaware District.*

*Be it enacted by the National Council*, That the section of country ceded to the Cherokees by the Treaty of 1835, and known as the "eight hundred thousand acre tract," be, and the same is hereby attached to Delaware District, and shall henceforth form a part of said District.

*Tahlequah, Dec. 1st*, 1846.

Approved—JNO. ROSS.

———o:o———

Whereas, under the provisions of the Treaty, between the United States and the Cherokee Nation, bearing date August 6th, 1846, the amount due to the Nation, remained

to be ascertained:—and whereas there are, before the Senate, open questions, which were presented with the Treaty, for the consideration and decision of that honorable body:—And whereas, the appropriation for carrying the provisions of the treaty into effect, has yet to be made: And whereas, it is of vital importance to the rights of individuals having claims against the Government of the United States, that the Commissioners lately appointed by the President, should sit in this country, for the purpose of adjudicating such claims; it is deemed indispensible, that competent agents, to attend to those matters, should be appointed on the part of the Nation; Therefore,

*Resolved by the National Council*, That David Vann, National Treasurer, Clement V. McNair, and Wm. P. Ross, be, and they are hereby appointed a Delegation to represent the Cherokee Nation, before the Government of the United States, and that it shall be the duty of said Delegation to attend to the several objects above specified, and to any other business with which they may be charged.

*Resolved*, That in the event of any vacancy occurring in the Delegation, the Principal Chief be, and he is hereby authorized, to fill the same by appointment.

*Resolved*, That the aforesaid David Vann, Treasurer of the Cherokee Nation be, and he is hereby authorized to apply to the Government of the United States, or proper officers thereof, and to receive all sums of money, due from the United States, on any account whatever, and to receipt for the same, in the name and on behalf of the Cherokee Nation.

*Tahlequah, December 1st*, 1846.

Approved—JNO. ROSS.

———o:o———

## *An Act for the benefit of Schools.*

*Be it enacted by the National Council*, That the sum of four hundred dollars be, and the same is here appropriated out of any money belonging to the General School fund in the National Treasury not otherwise appropriated, for the purpose of purchasing Books and Stationary for the use of the Public Schools.

*Tahlequah, Dec. 8th*, 1847.

Approved—JNO. ROSS.

### *An Act relative to persons dying Intestate.*

*Be it enacted by the National Council,* That when a person shall die intestate, and having no children, wife or husband to inherit such Estate, the same shall descend to his nearest relations, who shall to all intents and purposes become heirs, to his or her estate.

*Tahlequah, October 18th,* 1847.

Approved—JNO. ROSS.

———o:o———

### *An Act relative to witnesses in Criminal Prosecutions.*

*Be it enacted by the National Council,* That from and after the passage of this act, in the trial of criminals, the Judge presiding over such court, shall be authorised to compel the attendance of witnesses, either for, or against such criminals, by authorizing the Sheriff to proceed to arrest, and bring such witnesses to court.

*Tahlequah, Oct. 21st,* 1847.

Approved—JNO. ROSS.

———o:o———

### *An Act for the benefit of W. Drew and William L. Vann.*

*Be it enacted by the National Council,* That the Principal Chief be, and he is hereby authorised to issue a duplicate warrant in favor of William Drew on the National Treasury, payable out of the Orphan fund for the sum of nine dollars and ninety four cents, the original having been lost by him, or mislaid, bearing date August, 1846, and signed by George Lowrey, Acting Chief. And also one in favor of William L. Vann for the sum of one hundred and thirty five dollars, payable out of the National funds bearing date, February, 1846, signed by George Lowrey, Acting Chief; the National Council being satisfied from the showing made that the above warrants have been lost.

*Be it further enacted,* That the Treasurer be directed not to pay said lost warrants, should they be presented to him for that purpose.

*Tahlequah, Oct. 26th,* 1847.

Approved—JNO. ROSS.

## *An Act for the benefit of Lorenzo DeLano & Co.*

*Be it enacted by the National Council*, That the sum of Six Hundred dollars be, and the same is hereby appropriated out of any monies in the National Treasury not otherwise appropriated, for the benefit of Lorenzo DeLano & Co.; that amount being still due them on account of error detected in the adjustment of their accounts against the Nation in 1846.

*Tahlequah, October 26th*, 1847.

Approved—JNO. ROSS.

———o:o———

## *Resolution to offer a Reward.*

*Resolved by the National Council*, That the Principal Chief be and he is hereby authorized to offer a reward of one hundred dollars for any information which shall lead to the conviction of any person or persons engaged in the recent destruction of the papers belonging to the Office of the Supreme Court of this Nation.

*Tahlequah, Oct. 27th*, 1847.

E. HICKS, *Pres't Committee.*

Concurred with the following addition to follow immediately after the word "dollars," to be paid out of the National Treasury.

A. CAMPBELL, *Speaker Council.*

Approved—JNO. ROSS.

———o:o———

## *An Act continuing the Stay Law.*

*Be it enacted by the National Council*, That the act passed Dec. 5th, 1842, suspending the laws authorizing property to be sold by officers of the Nation by virtue of executions and continued from time to time, be, and the same is hereby continued in full force and virtue until the Cherokees are paid their Per Capita money due under the Treaties of 1835, 1846. This act to take effect from and after the 5th day of December next.

E. HICKS, *Pres't Nat. Committee.*

Approved—JNO. ROSS.

*An Act relating to minerals.*

*Be it enacted by the National Council,* That all gold, silver, lead, copper, or other valuable mineral, which may be discovered within the limits of the Cherokee Nation shall be the public property of the same.

*Tahlequah, Nov. 3d,* 1847.

Approved—JNO. ROSS.

———o:o———

*An Act for the benefit of James M. Payne.*

*Be it enacted by the National Council,* That the sum of three hundred dollars be, and the same is hereby appropriated out of the general school fund not otherwise appropriated for the use and benefit of James M. Payne, as pay for his services as Superintendent of Public Schools for the year 1847.

*Tahlequah, November 3d,* 1847.

Approved—JNO. ROSS.

———o:o———

*An Act for the relief of George C. Lowrey and Daniel R. Nave.*

*Be it enacted by the National Council,* That the sum of fifty dollars be, and the same is hereby appropriated out of any monies in the Treasury not otherwise appropriated for the benefit of George C. Lowrey and Daniel R. Nave, that being the amount paid by them to Wm. M. Patterson, as a reward for the apprehension of Thomas Welch, who had escaped from the Sheriff of Skin Bayou District, after sentence of death had been pronounced against him by the court for the murder of George Ross.

*Tahlequah, Nov. 4th,* 1847.

Approved—JNO. ROSS.

———o:o———

*An Act for the relief of William Rogers.*

*Be it enacted by the National Council,* That the Lessees of the National Saline, known as Brown's Saline on Grand

river, rented to William Rogers, by an agent of the Nation as lessees after the first year's rent be, and the same is hereby cancelled, together with the bond and sum executed for the payment of the aforesaid rent.

*Tahlequah, Nov. 8th,* 1847.

E. HICKS, *Pres't Nat. Committee.*

Approved—JNO. ROSS.

———o:o———

*An Act in reference to Salines.*

*Whereas,* all of the leases of the National Salines under the provisions of the act entitled an act "in reference to Salines" passed the 30th Oct. 1843—except L. Ross, Daniel R. Coodey and John Crossland—having failed to comply with the terms of their engagements and their leases having thereby become forfeited. Therefore,

*Be it enacted by the National Council,* That the Principal Chief be, and he is hereby authorised to appoint an agent, whose duty it shall be to lease out all the Salines in the same manner as is provided for in the said act in reference to Salines, except those Salines occupied and worked by the said Lewis Ross, Daniel R. Coodey and John Crossland, for the term of ten years.

*Be it further enacted,* That the aforesaid Lewis Ross, Daniel R. Coodey and John Crossland be, and they are hereby privileged to work the Salines now occupied by them, for the term of two years, and shall be exempted from paying any rent for the same. And after the expiration of the two years, they shall be required to pay a sum equal to one half of the amount heretofore paid by them as rent for the remainder of the unexpired term of their lease under the act of the 30th October, 1843, "in reference to Salines," provided they may wish to continue to occupy and work said Salines after the expiration of two years.

*Be it further enacted,* That the said Lessees who have forfeited their contracts under the act above, by failing to comply with the terms of their engagements, be, and they are hereby exonerated from all obligations to the Nation on account of such failure.

*Be it further enacted,* That so much of the said act of 1843,

"in reference to Salines" as militates against this act, be and the same is hereby repealed.

*Tahlequah, Nov. 9th,* 1847.

Approved—JNO. ROSS.

———o:o———

*An Act for the relief of persons indebted to the Nation.*

*Be it enacted by the National Council,* That all persons who may have purchased stray property and executed their notes for the same be, and they are hereby allowed to redeem all such notes by paying fifty cents on the dollar in cash, or in National certificates, or warrants, to the National Treasurer;—provided that this act shall only continue in force two years from the date hereof.

*Be it further enacted,* That the National Treasurer be, and he is authorized to receive from any person who may be indebted for purchase of stray property fifty cents on the dollar for all notes in his possession—provided the same be paid in cash, National warrants, or certificates, and within two years from the date of this act.

*Be it further enacted,* That all persons who may have executed bond or notes for the purchase of improvements or any other account payable to the Nation, and which are yet unsettled, shall likewise be entitled to the same privilege of liquidating such debts by the payment of fifty cents on the dollar as provided for above.

*Tahlequah, Nov. 9th,* 1847.

Approved—JNO. ROSS.

———o:o———

*An Act relative to building Committee and Council Houses.*

*Be it enacted by the National Council,* That the National Treasurer be, and he is hereby authorized and required to contract for the erection of two hewed log buildings of the following dimensions, to wit. 20 by 20 feet, with a brick chimney to each, floored and ceiled over head with plank, and each crack stopped inside and out with lime mortar—shingle roof, one door and four windows to each, to be one

story high underpinned with stone. One for the use of the Committee, and the other for the use of the Council, to be completed by the first Monday in October next; which shall not exceed in cost two hundred and fifty dollars each; said buildings to be erected on the public square at or near the sites occupied by the cabbins heretofore used by the Committee and Council.

*Be it further enacted*, That the National Treasurer is hereby directed to pay to the contractor, the amount contracted to be paid whenever the said buildings are completed. And the Principal Chief be, and he is hereby authorised to draw a warrant for the same.

*Tahlequah, November 10th*, 1847.

Approved—JNO. ROSS.

———o:o———

*An Act for the benefit of Chas. Landrum and Pigeon Half-breed.*

*Be it enacted by the National Council*, That the sum of twenty-three dollars, &c, and the same is hereby allowed, out of the National Treasury, for the benefit of Charles Landrum and Pigeon Half-breed. That amount having been expended by them in pursuing into the State of Missouri, and recovering the two grand-daughters of Shoe Boot, deceased, who had been kidnapped on the night of the 27th of September last, from the residence of their mother in Delaware District, Cherokee Nation, for the purpose of being sold into slavery.

*Tahlequah, Nov. 12th*, 1847.

Approved—JNO. ROSS.

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*An Act for the benefit of the Public Schools.*

*Be it enacted by the National Council*, That the sum of two hundred dollars be, and the the same is hereby appropriated out of any monies remaining in the National Treasury, belonging to the general school fund not otherwise appropriated. The sum to be applied to the purchase of books, stationary, &c., for the use of the Public Schools by the Superintendent.

*Tahlequah, Nov. 12th*, 1847.

Approved—JNO. ROSS.

*An Act for the benefit of Minerva Jane Lea.*

WHEREAS, Mrs. Minerva Jane Lea, of the Cherokee Nation, having petitioned the National Council for the passage of a special act of divorce, separating her from her husband, J. Armstrong Lea. And said petitioner having satisfied the National Council, that her prayer ought to be granted; therefore,

*Be it enacted by the National Council,* That, for satisfactory reasons, the bonds of matrimony heretofore existing between J. Armstrong Lea and Minerva Jane Lea, (late Minerva Jane Walker,) be, and the same are hereby dissolved and declared to be null and void, the same as though such marriage had never been solemnized between the aforesaid parties.

*Tahlequah, November 12th,* 1847.

Approved—JNO. ROSS.

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*An Act making further provisions for carrying into effect the Act of the last annual session of the National Council, for the establishment of one Male and one Female Seminary or High School.*

SEC. 1. *Be it enacted by the National Council,* That, for the purpose of carrying into effect, the existing law of the Nation for the establishment of one Male, and one Female Seminary or High School, for the education of youth, there shall be constituted a Board of Directors, to consist of five men, who shall be nominated by the Prin'l Chief of the Cherokee Nation, to the National Committee for confirmation, and shall hold their office for the term of four years, and shall be called the Board of Directors of High Schools in the Cherokee Nation. The Principal Chief of the Cherokee Nation shall be *exofficio* president of the Board of Directors of High Schools, and shall have power to convene them as often as occasion may require. The Board of Directors shall have a Clerk chosen by themselves from among their own number, who shall keep a full record of all their proceedings, and present an annual report of the same, and of the progress and state of the Seminaries, to the National Council. The

Clerk shall transact all business for the Board when not in session, according to their instructions; and shall also have power to convene the Board in case of the absence or inability of the Principal Chief.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Board of Directors of High Schools to employ for each of the two Seminaries, one principal Teacher, with power to add one or two assistant Teachers to each Seminary, whenever in their judgment, the number of students and the circumstances of the institution shall require.

The teachers in the Male Seminary shall be men, and the teachers in the Female Seminary shall be women. The principal teacher of each Seminary shall be a person capable of teaching all the branches of literature and science commonly taught in the academies of the United States.

The first assistant Teacher shall be a person capable of performing, in any emergency, the duties of the principal teacher.

Every assistant teacher shall possess at least a good English education.

At least one teacher in each Seminary shall be capable of teaching the science and art of vocal music. Every teacher shall be a believer in the christian religion.

The Board of Directors shall have power when in their judgment it shall become necessary to remove from office any of the teachers.

SEC. 3. *Be it further enacted*, That the principal teacher of each Seminary shall receive eight hundred dollars per annum, and his board in the Seminary; and the first assistant teacher in each Seminary, six hundred dollars and his board in the Seminary; provided that if any teacher be employed for a less time than one year, his compensation shall be reckoned at the same rates as above, allowing forty weeks to each year.

SEC. 4. *Be it further enacted*, That in each Seminary, there shall be in every year two sessions of twenty weeks each, during which the school shall be taught six hours in each day, exclusive of intermissions, on every day of the week except Saturdays and Sundays.

SEC. 5. *Be it further enacted*, That every youth applying for admission to either of the Seminaries shall be required to pass in the judgment of the teachers or a majority of them,

a good examination in reading and spelling in the English language, Arithmetic, English Grammer and Geography.

Sec. 6. *Be it further enacted*, That each youth admitted to either of the Seminaries, and attending regularly without unnecessary interruptions and who shall not be expelled for misconduct, in accordance with the rules hereinafter provided, shall be entitled to *four* years instruction without expense for tuition or board, and that the Board of Directors shall have the power on recommendation of the teachers to admit students to the enjoyment of the same privileges for an additional length of time; *Provided*, that the number of students boarded at either Seminary shall not at no time exceed one hundred, until further provisions be made by law. Each school shall commence with twenty-five pupils, for the first year, the second year twenty-five others may be admitted, and in like proportion for each year. At the expiration of the fourth year the first shall withdraw, and for each year thereafter the same number as they will have completed their four years attendance.

Sec. 7. *Be it further enacted*, That citizens shall have the privilege of sending their children to school at these seminaries and boarding them at their respective homes or elsewhere at their own expense, on the same conditions which are required of others, the number to be thus admitted shall be regulated at the discretion of the Board of Directors.

Sec. 8. *Be it further enacted*, That all students boarding at either Seminary shall be under the government and control of the teachers at all times while at the Seminary: and shall not be allowed to leave the Seminary in term time without permission from one of the teachers.

Sec. 9. *Be it further enacted*, That the several students in each seminary shall occupy such rooms as may be assigned them by the teachers.

Sec. 10. *Be it further enacted*, That in order that teachers may at all times exercise a suitable supervision over the students, the several teachers shall occupy rooms in the Seminary buildings, to be assigned them by the Board of Directors. And it shall be the duty of each principal teacher to see that every night in term time, at least either himself or one of the teachers does lodge within the walls of the Seminary; and also that at least one teacher be at the table whenever the students take their meals.

SEC. 11. *Be it further enacted*, That while it is expected that the students in these seminaries will be governed by moral influence, nevertheless the teachers shall have the power of inflicting the necessary punishment to secure the obedience of their pupils; and that if any student shall prove incorrigible, such student may be suspended from the Seminary by the teachers, and the case referred to the Board of Directors, who alone shall exercise the right of expulsion.

SEC. 12. *Be it further enacted*, That it shall be the duty of the Board of Directors of High Schools to attend and witness a thorough examination of the students of each Seminary, to be conducted by the teachers, at or near the close of each session; and that the Directors shall also have the right individually and collectively to visit either of the Seminaries, and witness their management and instruction at any time.

SEC. 13. *Be it further enacted*, That the Board of Directors of High Schools, shall procure the requisite books, stationary, and school apparatus for the two seminaries, to an amount not to exceed at the outset eight hundred dollars to each Seminary, to be increased afterwards as the prosperity of each Seminary may require and means allow.

SEC. 14. *And be it further enacted*, That it shall be the duty of the Board of Directors of High Schools to purchase all necessary furniture, tools, utensils and domestic animals necessary for putting the two Seminaries into successful operation with the number of twenty-five students in each Seminary; and to add to the same thereafter as the number of students may increase, or the exigencies of the case require.

SEC. 15. *And be it further enacted*, That it shall be the duty of the Board of Directors of High Schools to employ a steward for each Seminary, who shall provide for the board of all the students of the Seminary, who shall be by law entitled to the same; and whose duty it shall also be to take good care of all property belonging to the Seminary, except such as falls appropriately under the care of the teachers. The steward of each Seminary shall purchase and keep provisions, and with the advice and concurrence of the Board of Directors, employ necessary help, and shall cause to be placed in order on the tables, three times in each day at such hours as shall best suit the convenience of the teachers, a comfortable meal for all the teachers and students belonging to the Seminary.

The steward of the Seminary shall also cause all the rooms in the Seminary to be kept in order, and all necessary washing, ironing and mending of clothes to be done for all the students boarding at the Seminary, provided that every woman occupying a room in either seminary will be expected to keep her own room in order; and that the lodging rooms for students, school rooms and rooms for library and school apparatus in the Female Seminary shall be kept in order by the students under the direction of the teachers; and that each female student shall do her own ironing and mending under the same direction.

Sec. 16. *Be it further enacted*, That it shall be the duty of the board of directors of high schools after consulting some physician to procure a moderate supply of medicine for the use of each seminary.

Sec. 17. *Be it further enacted*, That it shall be the duty of the steward of each seminary in urgent cases of sickness to employ a physician at the public expense.

Sec. 18. *And be it further enacted*, That in order to enable the stewards of the seminaries to comply with the requisitions of this act, the Principal Chief be, and he is hereby authorized with the advice of the Board of Directors of High Schools, to issue warrants from time to time to the Treasurer of the Nation, to pay to the steward of each Seminary, out of the funds to be appropriated for that purpose by the National Council, such sums as shall be necessary, to meet the expenses incurred in the fulfilment of the duties required of him by this act; and the steward shall present to the clerk of the Board of Directors, at least once in three months, an accurate account of receipts and expenditures with such vouchers for the same as the Board of Directors shall require.

Sec. 19. *And be it further enacted*, That the steward of each Seminary shall dwell in the buildings of the Seminary, occupying such apartments as shall be assigned him by the Board of Directors, and shall receive for his services, the sum of five hundred dollars per annum.

Sec. 20. *And be it further enacted*, That the steward of each seminary before entering upon the duties of his office, shall give bond to the Principal Chief in the sum of four thousand dollars, with good securities, for the faithful discharge of those duties.

Sec. 21. *And be it further enacted*. That the clerk of

the Board of Directors shall receive for his services the sum of one hundred dollars per annum.

SEC. 22. *And be it further enacted*, That the Principal Chief be, and he is hereby authorized to issue warrants to the National Treasurer, to pay to the clerk of the Board of Directors, out of the funds to be appropriated for that purpose by the National Council, such sums as may be required to meet the expenses incurred by the Board of Directors in carrying out the provisions of this act, which sums the clerk of the Board of Directors shall receive and disburse according to the instructions of the Board, and present an accurate account of the same to the National Council at each annual session.

SEC. 23. *And be it further enacted*, That the Principal Chief be, and he is hereby authorized to issue warrants to the National Treasurer, for the payment of the clerk of the Board of Directors agreeable to the provisions of this act.

SEC. 24. *And be it further enacted*, That the clerk of the Board of Directors, before entering upon the duties of his office, shall give bond to the Principal Chief in the sum of two thousand dollars, for the faithful performance of those duties.

SEC. 25. *And be it further enacted*, That the Directors and teachers shall have power to adopt any other rules or regulations, not provided for, to carry into effect the foregoing act.

*Tahlequah, Nov. 12th*, 1847.

E. HICKS, *Pres't Nat. Committee.*

Approved—JNO. ROSS.

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*An Act for the relief of Johnson Thompson.*

*Be it enacted by the National Council*, That the Principal Chief be, and he is hereby authorized to issue a duplicate warrant, in favor of Johnson Thompson, for seven dollars, he (Thompson) having made a satisfactory showing to the Committee and Council, that he had a warrant given in his own name for that amount, of the 1846 issue, which he has lost or mislaid, the Treasurer is hereby requested not to pay said warrant should the same be presented for that purpose.

*Tahlequah, Nov. 12th*, 1847.

Approved—JNO. ROSS.

*An Act amending an Act establishing the Judiciary.*

*Be it enacted by the National Council,* That so much of the third section of the act passed 23d of Sept., 1839, entitled "an Act establishing the Judiciary," which prohibits persons above the age of sixty years, from being summoned on a jury, be and the same is hereby repealed.

*Tahlequah, November 11th,* 1847.

Approved—JNO. ROSS.

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*An Act appointing a Delegation to visit Washington.*

*Be it enacted by the National Council,* That in consequence of the unsettled condition of the pecuniary interest of this Nation and its citizens against the United States government, and with a view of urging to a speedy and final adjustment of all such interests and the fulfilment of the stipulations of the treaties of 1835 and 1846, it is expedient to appoint a Delegation of two persons, who shall be authorized to proceed to Washington for the purpose above named.

*Tahlequah, Nov. 16th,* 1847.

Approved—JNO. ROSS.

———o:o———

*An Act prohibiting Judges from practicing Law.*

*Be it enacted by the National Council,* That none of the Judges of Courts appointed under the authority of this Nation, shall be engaged as counsel or attorney, or in the practice of law before any of the Courts after the first of January next under the penalty of being removed from office.

*Tahlequah, Nov. 16th,* 1847.

Approved—JNO. ROSS.

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The special Committee to whom was refered the subject of establishing a Manual Labor School for Orphans, beg leave to report:—

They are not prepared to submit in detail any place for such a school, or to recommend its establishment entirely in-

der the direction and control of the authorities of the Nation. It is believed however, that a school designed for orphans exclusively, and in which such useful branches of industry may be taught as circumstances and the adequacy of the funds will allow, is the most desirable plan for the instruction of this class of our youth. In order that such a course or system of education may be introduced and rendered most advantageous, the Committee recommend that the annual income of the orphans' fund, (2500 dollars) be placed in the hands of some one of the Missionary Boards, who have schools in the Nation, and that some agreement be entered into, as early as possible, with such board as may offer terms most acceptable. It will become necessary, if the Council favor the views of your Committee, to direct that a correspondence be opened with the several Boards, affording them such information as may be desired on the subject, and to solicit such offers as will enable the Council to act definitely.

This duty ought specially to devolve on some one to be designated by the National Council, and who shall be required to obtain, arrange and to submit the necessary information and plans before the Council at its next session.

C. V. McNAIR,
W. S. COODEY.

*Resolved by the National Council*, That the above report, be, and the same is hereby adopted, and that the Superintendent of the Public Schools is appointed and instructed to open a correspondence with the several Boards who have Missionaries in this Nation, for the purpose of carrying into effect the objects embraced in the above report, and to submit such plans and information which may be obtained before the next annual session of the National Council.

*Tahlequah, Nov. 17th*, 1847.

Approved—JNO. ROSS.

——o:o——

## *An Act relative to Guardians.*

*Be it enacted by the National Council*, That in all cases, when a man and woman have been living together as man and wife according to the laws and customs of the Cherokee Nation, and that either of them shall die, leaving children

then in that event the surviving parent shall to all intents and purposes be the lawful Guardian of the children so left; provided, however, that if the surviving parent shall be incompetent to discharge the duties devolving upon them as guardian, then the children shall be dealt with as the law directs.

*Tahlequah, Nov. 18th, 1847.*

Approved—JNO. ROSS.

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*Be it enacted by the National Council,* That the sum of seven thousand five hundred dollars be, and the same is hereby appropriated out of any monies in the National Treasury, belonging to the general school fund, not otherwise appropriated, for the purpose of defraying the expenses of the several public schools of the Nation, as provided for by law for the year 1848.

*Be it further enacted,* That the sum of thirty-six hundred dollars be, and the same is hereby appropriated out of any monies remaining in the National Treasury belonging to the orphan fund, not otherwise appropriated to be expended in the support of the orphans, attending the several schools of the Nation, for the year 1848.

*Tahlequah, Nov. 22nd, 1847.*

Approved—JNO. ROSS.

———o:o———

*An Act appropriating two thousand dollars to defray the expenses of the Delegation.*

*Be it enacted by the National Council,* That the sum of two thousand dollars be, and the same is hereby appropriated out of any monies in the National Treasury not otherwise appropriated, to defray the necessary expenses of the delegation appointed by the present Council to visit Washington city on business of the Nation, and each of said delegates be allowed for their services three dollars per day while absent on their mission.

*Tahlequah, November 24th, 1847.*

E. HICKS, *Pres't Committee.*

Concurred—A CAMPBELL, *Speaker Council.*

*An Act appropriating money to have additional work done on the Committee and Council houses, also to purchase stationary.*

*Be it enacted by the National Council*, That the sum of thirty five dollars be, and the same is hereby appropriated out of any monies now in the treasury not otherwise appropriated for the purpose of enabling the Committee and Council to have some additional work done on the Committee and Council houses; and to procure locks, fire dogs, shovel and tongs, &c.; and also for the purchase of stationary, for the use of the present session of the Council and Supreme Court.

*Be it further enacted*, That Mr. C. V. McNair be, and he is hereby appointed to contract for having the work (above) done and to make the purchases—and the Acting Principal Chief be, and he is hereby authorized to draw a warrant for the above amount, made payable to the said C. V. McNair for the purpose above specified.

*Tahlequah, October 3rd*, 1848.

E. HICKS, *Pres't Nat. Committee.*

Concurred with this amendment: that strong and good hinges, and laches accompany each window shutter.

A. CAMPBELL, *Speaker Council.*

Approved—GEORGE LOWREY, *Acting P. Ch'f.*

———o:o———

*An Act to remove a precinct in Delaware District and to establish the same at John Blythe's on the neutral land.*

*Be it enacted by the National Council*, That the precinct of elections, heretofore established at the house of John Huss, on Honey Creek, Delaware District, and removed to the house of Thos. Woodard in said District, by act passed 27th November, 1845, be, and the same is hereby removed to the house of Lewis W. Hildebrand, in Delaware District, and the act establishing the said precinct, at the house of Thos. Woodards, be and the same is hereby repealed.

*Be it further enacted*, That a precinct of elections, be, and the same is hereby established at the house of John Blythe, in that tract of country called the neutral land.

*Tahlequah, October 5th*, 1848.

Approved—GEORGE LOWREY.

*An Act making appropriation for the benefit of James Kell contractor*

*Be it enacted by the National Council,* That the sum of Five Hundred dollars be and the same is hereby appropriated out of any monies in the national Treasury not otherwise appropriated, for the benefit and use of James Kell contractor for building a Committee and Council Houses at Tahlequah, of the kind and description set forth in an act passed at the last session of the annual Council authorising the building of said houses.

*Be it further enacted,* That the Principal Chief be, and he is hereby authorised to draw a warrant on the National Treasurer for the amount of the above appropriation, in the name of the said James Kell contractor.

*Tahlequah, October 5th,* 1848.

Approved—GEORGE LOWREY.

———o:o———

*An Act making appropriation for the benefit of R. B. Daniel and Richard Taylor.*

*Be it enacted by the National Council,* That for the payment of a balance due the late delegation to Washington City for their services, that the sum of one hundred and twenty dollars ninety-six and half cents, be and the same is hereby appropriated out of the public monies in the treasury in full for the same, and that the Chief issue his warrant on the said treasurer for the amount, payable to Richard Taylor.

*Tahlequah, Oct. 5th,* 1848.

Approved—GEORGE LOWREY.

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*Be it enacted by the National Council,* That from and after the passage of this act, the Principal Chief shall be required to return all acts which he approves, to the National Committee retaining in his office a copy of the same, and it shall also be the duty of the Clerk of the Committee and Council to record on the Journal all such acts and to furnish the Editor of the Cherokee Advocate with a copy of all such acts that may be passed and approved for publication.

*Tahlequah, October 7th,* 1848.

E. HICKS, *Acting Principal Chief.*

*An Act relative to the Court House of Delaware District.*

*Be it enacted by the National Council,* That the Court house for Delaware District be, and the same is hereby authorized to be removed from Charles Laudrums to the Dogwood Grove in said District—expenses of the removal to be defrayed by the citizens of said District.

*Tahlequah, Oct. 7th,* 1847.

Approved—E. HICKS, *Acting P. Chief.*

———o:o———

*An Act to amend an act respecting the issuing of certificates.*

*Be it enacted by the National Council,* That the act passed Nov. 28th, 1843, be, and the same is hereby so amended that the Sheriffs and Clerks of the Courts of the several Districts be, and they are hereby required hereafter to make their reports of certificates issued by them, to the National Committee on the first day of the meeting of the annual session of the National Council, and the Deputy Sheriffs of the several Districts shall be required to report to the Principal Sheriff which shall be included in his annual report to the National Committee.

*Be it further enacted,* That it shall hereafter be the duty of the Clerks of the Circuit Courts, to transmit appeal cases to the Supreme Court, who shall be required to make sure return by the first day of the meeting of the Supreme Court.

*Be it further enacted,* That should any officer as above, fail to comply with the requirements of this act shall be fined in a sum of seventy-five dollars, which sum shall be deducted from his salary by the National Committee; all laws militating against this act are hereby repealed.

*Tahlequah, Oct. 7th,* 1847.

Approved—E. HICKS, *Acting Principal Chief.*

———o:o———

*An Act to amend an Act establishing the Judiciary.*

*Be it enacted by the National Council,* That the act passed 23d day of September 1839, establishing the Judiciary,

be, and the same is hereby so amended, that the District Judges who may be elected after the expiration of the present term shall be elected for two years, and the Principal Chief be, and he will commission them accordingly; all laws to the contrary notwithstanding.

*Tahlequah, Oct. 10th,* 1848.

Approved—E. HICKS, *Acting Principal Chief.*

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*An Act to amend an Act relative to Estates and Administrators.*

*Be it enacted by the National Council,* That the Act passed 24th September, 1839, relative to Estates and Administrators, be, and the same is hereby so amended, that all verbal Wills of deceased persons, that are not proven to the satisfaction of the District Judge, of the District where such (deceased) person resided, within thirty days after the death of such testator, shall be not valid.

*Tahlequah, 10th Oct.,* 1848.

E. HICKS, *Acting P'l Chief.*

———o:o———

*An Act to amend an Act establishing the Judiciary, passed 23d September,* 1839.

*Be it enacted by the National Council,* That in all cases where an appeal has been taken from the decision of the District Courts, the Circuit Judge before whom such appeal case may be brought for trial, may remove any of the Jury upon application being made, by either of the parties, accompanied with satisfactory proof, that such Juror or Jurors sit upon the trial of the case in the District Court when the decision was made, this act to take effect from and after its passage.

*Tahlequah, Oct. 11th,* 1848.

E. HICKS, *Acting Prin'l Chief.*

———o:o———

*An Act readmitting John W. West, to the rights of Cherokee Citizenship.*

*Be it enacted by the National Council,* That John W. West be, and he is hereby privileged to return to the Chero-

kee Nation and reside; and is admitted to the enjoyment of the rights and privileges of citizenship of this Nation.

*Tahlequah, Oct. 11th, 1848.*

E. HICKS, *Acting Chief.*

———o:o———

*An Act to amend an Act for the punishment of Criminal Offences.*

*Be it enacted by the National Council,* That any citizen or citizens of the Cherokee Nation, be, and they are hereby authorised to arrest and deliver to the Sheriffs any person or persons, who may be charged with criminal offences.

*Tahlequah, October 12th, 1848.*

E. HICKS, *Acting Principal Chief.*

———o:o———

*An Act to amend an Act to exempt certain Property from Sale, passed 24th Sept. 1839.*

*Be it enacted by the National Council,* That the Act passed 24th September, 1839, exempting certain property from sale, be, and the same is hereby so amended, that in lieu of one sow and pigs, twelve head of hogs shall be reserved for the benefit of the owner thereof, and exempt from sale, the twelve head to be selected by said owner—this act to take effect from and after its passage.

*Tahlequah, October 13th, 1848.*

E. HICKS, *Acting Prin'l Chief.*

———o:o———

*An Act to amend an Act relative to the appointment of Solicitors.*

*Be it enacted by the National Council,* That the Solicitors of the several Districts, shall after the expiration of the present term, be appointed for the term of two years. And the Principal Chief be, and he shall commission them accordingly.

*Tahlequah, Oct. 13, 1848.*

A. CAMPBELL, *Speaker Council.*

Concurred with the following amendment: And so much of the said act as militates against this act is hereby repealed.

Approved—E. HICKS, *Acting Chief.*

*An Act for building Offices for the Executive and Treasurer, and for enclosing the Public Square with a post and rail-fence.*

*Be it enacted by the National Council*, That the National Treasurer be, and he is hereby authorised and directed, to contract for the building of two houses of the same dimensions, and to be finished off, in the same style and manner, as the Committee and Council houses, including window blands or shutters, to be built on a line with the Committee and Council houses on the east side of the public square; the said houses, when finished, to be used and occupied as offices by the Executive and Treasurer, during the sessions of the National Council; the cost of said buildings, not to exceed four hundred dollars.

*Be it further enacted*, That the Treasurer be, and he is hereby authorised and further directed to contract, for the enclosing of the public square, with a post and rail fence, the post to be of good sound post oak well hewed, to face from six to eight inches, and to be put in the ground at least two feet deep, to be set eight feet apart, six feet high above the ground, the rails to face ten inches wide, and at least two and a half inches thick, and to be five rails high, and the rails well hewed, the cracks for the first three rails high to be two inches wide, and also blocks or steps to be erected on each side of the square, for the purpose of getting over the said fence; the steps or blocks to be put as near the centre of each string of the said fence as practicable, the said fence not to exceed in cost six bits a panel.

*Be it further enacted*, That all of the above work to be done and completed by the first day of October, 1849.

*Tahlequah, October 4th, 1848.*

T. F. TAYLOR, *Pres't Nat. Com. pro tem.*

Concurred with this amendment: The black locust, be substituted in lieu of post oak, for the post.

A. CAMPBELL, *Speaker Council.*

Approved—GEORGE LOWREY, *Acting Chief.*

———o:o———

*An Act for the relief of Looney Price.*

*Be it enacted by the National Council*, That the sum of nine dollars be, and is hereby allowed Looney Price, out of

the National Treasury, that being the amount of certificates lost or mislaid by him, and he having proven the same, to the satisfaction of the Committee—and the Select Committee, is authorised to register that amount, to the said Looney Price.

*Tahlequah, 16th October, 1848.*

Approved—GEORGE LOWREY, *Acting P. Chief.*

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WHEREAS, a communication has been received by the National Council from the Acting Chief, enclosing communications from the Cherokee Agent to him dated Sept 16, 1848; also one from the Commissioner of Indian Affairs, to John Ross, Principal Chief, dated August 23, 1848, accompanied by an act of the last session of Congress appropriating five thousand dollars to enable the President of the United States to remove the Catawba Indians in North Carolina, among some of the tribes west of the Mississippi river, without expense to said United States; and whereas, the said Commissioner in the aforesaid communication has submitted the matter for the consideration of this Nation, whether the Cherokees would be willing to receive the Catawba Indians, and adopt them into their Nation as their home, without any other charge than that contained in the said act of Congress.

*Be it therefore resolved by the National Council,* That in the entire absence of all information respecting the numbers of said Catawba Indians and their circumstances, this Council cannot act upon the subject understandingly, definitely, and according to its intrinsic importance.

*Be it further resolved,* That the Principal Chief be, and he is hereby requested to communicate with the U. S. Agent, and through him with the government of the United States for statistical information of said Catawba Indians, their entire numbers, of those mixed with the whites and those of full blood—number of mechanics, speaking the English language, amount of annuities owned by said tribe, and by whom paid—lands held by them if any in right of the tribe in any state, and report the same to the next National Council for their information and final action.

*Tahlequah, October 17th, 1848.*

Approved—GEORGE LOWREY.

*An Act admitting to the rights of citizenship John Clark.*

*Be it enacted by the National Council*, That John Clark, (a white man) with a Cherokee family, be, and he is hereby recognised and admitted to the enjoyment of the rights and privileges of citizenship of this Nation.

*Tahlequah, Oct. 17th*, 1848.

Approved—GEORGE LOWREY.

———o:o———

*An Act to amend the Suspension Law.*

*Be it enacted by the National Council*, That the Act passed December 5th, 1847, suspending the laws authorizing to be sold by the officers of the Nation, by virtue of executions, and continued in force from time to time, be, and the same is hereby so amended, that from and after the passage of this act, (in the particular cases of theft) it shall be lawful for the Sheriffs, to proceed by virtue of an execution, and levy on the property of any person, who shall be convicted of theft, in any of the Courts of this Nation, to the amount of damages and cost of suit; the amount of damages so collected, shall be for the benefit of the person injured.

And that no property shall be exempted from satisfying the same.

*Tahlequah, October 23d*, 1848.

A. CAMPBELL, *Speaker Council.*

Concurred with the following amendment: And also the collection of all cost arising out of other criminal prosecutions, and any law militating against this act notwithstanding.

E. HICKS, *Pres't Nat. Com.*

Approved—GEORGE LOWREY.

———o:o———

*An Act to amend an Act respecting the teaching of Negroes to read and write.*

*Be it enacted by the National Council*, That an Act passed October 22d, 1841, prohibiting the teaching of Negroes to read and write, be amended so that if any white person,

not a citizen of the Cherokee Nation, should be guilty of a violation of this act, it shall be the duty of the Sheriff of the District where such violation should take place, to notify the Chief of the same, and it shall be the duty of the Chief to notify the Agent, and demand a removal of such person or persons from the limits of the Cherokee Nation.

*Tahlequah, October 24th*, 1848.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*Resolutions relative to the Guard at Park Hill.*

*Resolved by the National Council*, That the resolution, passed Nov. 23d, 1845, authorizing the Chief to appoint a Guard of six men to be stationed at the residence of the Chief to guard the Public Papers, Documents, &c., be, and the same is hereby amended, that from and after the passage of this act the number of guards be, and the same is hereby reduced from six to four; and the Captain of said Guard be allowed for his services, a compensation out of the National Treasury, at the rate of ten dollars per month, and each of the Guards, six dollars per month.

*Tahlequah, Oct. 24th*, 1848.

A. CAMPBELL, *Speaker Council.*

Concurred with the following amendment; to strike out ten dollars, and insert eight dollars per month for the Captain.

E. HICKS, *Pres't Nat. Committee.*

Concurred—A. CAMPBELL, *Speaker Council.*

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*An Act making Appropriations—pay of officers, &c.*

*Be it enacted by the National Council*, That all officers of the Nation shall be paid one half of the amount due them for their salaries in cash for the year ending October, 1848—excepting the Clerks of the several courts of this Nation who shall be paid in full for their annual salaries.

*Be it further enacted*, That for the payment of the salaries of the members of the National Council, and their Clerks, Fire-makers, Executive and Clerk, Treasurer and the Judges

of the Supreme Court, and one Clerk, in full, the sum of six thousand dollars, be, and the same is hereby appropriated in cash out of the National Treasury, and the Chief be, and he is hereby authorized to issue warrants for the same, payable to such member as the National Committee shall authorize upon estimates herewith.

*Be it further enacted*, That the Chief be, and he is hereby authorized to issue two warrants for the salaries of such officers as by this act directs the payments of one half in cash, and this act to continue in force until otherwise ordered by the National Council.

*Tahlequah, Oct. 24th*, 1848.

Approved—GEORGE LOWREY *Acting Chief.*

———o:o———

*An Act to alter the line between Going Snake and Tahlequah District.*

*Be it enacted by the National Council*, That the line between Going Snake and Tahlequah District, shall be as follows, to wit: Commencing at the mouth of Little Caney at the residence of The Eagle; thence up the said creek to its source, at the present residence of John Young, and thence along the line as heretofore established: and so much of the act, passed November 4th, 1849, commencing said line at Fawn's Camp be, and the same is hereby repealed.

*And be it further enacted*, That this act to take effect from and after the adjournment of the present session of the National Council.

*Tahlequah, Oct. 24th*, 1848.

Approved—GEORGE LOWREY, *Acting P. Chf.*

———o:o———

*Resolved by the National Council*, That having heard with sorrow and regret the death of the Hon. George C. Lowrey, member of the National Committee from the District of Skin Bayou, who departed this life on Sunday, the 22d, between the hours of 9 and 10 o'clock, A. M. at his residence.

*Resolved further*, That the National Council, and the Executive through respect to the memory of the (deceased) as-

semble in the Court house at 2 o'clock A. M., and that the president of the Committee request the Rev. John Huss, to deliver an address, suitable to the occasion, and that both houses do now adjourn until tomorrow at nine o'clock.

*Oct. 26th*, 1848.

E. HICKS, *Pres't Committee.*

Concurred—A. CAMPBELL, *Speaker of Coun.*

———o:o———

*An Act for the benefit of Samuel and David Downing.*

*Be it enacted by the National Council*, That the sum of two hundred and fifty dollars each be, and is hereby allowed out of the National Treasury, for the use and benefit of Samuel and David Downing.

*Tahlequah, Oct. 27th*, 1848.

Approved—GEORGE LOWREY.

———o:o———

*An Act further to amend an act passed September 9th*, 1839.

*Be it enacted by the National Council*, That from and after the passage of this act, if any person or persons, who shall maliciously set fire to and burn or destroy in any other manner, any school house, church or any public building, on conviction thereof, by any court having jurisdiction of the same, shall be punished with one hundred lashes on the bare-back, and taxed with damage and cost of suit; and no property shall be exempted from sale to satisfy such damage and cost.

*Be it further enacted*, That it shall be the duty of the Solicitors to institute and prosecute suits against any person or persons, charged with burning any public building. Any thing in any other act to the contrary notwithstanding.

*Tahlequah, Oct. 27th*, 1848.

Approved—GEORGE LOWREY, *Acting Chief.*

———o:o———

*An Act for the protection of public school teachers.*

*Be it enacted by the National Council*, That from and after the passage of this act any person or persons who may

be guilty of wilfully and maliciously assaulting and violently maltreating any of the public school teachers of this Nation, shall be fined in a sum of not less than one nor exceeding five hundred dollars and cost of suit.

*Be it further enacted*, That, should any person or persons be guilty of interrupting any public teacher as aforesaid, whilst engaged in school by using violent threats or other improper and unbecoming language, shall be fined for each and every such offence, in a sum not less than fifty dollars and cost of suit, and no property shall be exempt from sale to satisfy such fines and cost, and all such fines when collected to be for the benefit of the injured person.

*Be it further enacted*, That the directors of the public schools be, and they are hereby authorized to prosecute such cases, as is forbidden by the foregoing act.

*Tahlequah, Oct. 27th*, 1848.

E. HICKS, *Pres't Nat. Com.*

Concurred with the following amendment: And any act to the contrary notwithstanding.

A. CAMPBELL, *Speaker Council.*

Approved:—GEORGE LOWREY, *Acting Chief.*

———o:o———

*Be it enacted by the National Council*, That a precinct of election, be and is hereby established at the house of Whiteman Killer, between Bibb's Mills and T. L. Rogers in Saline District.

*Tahlequah, Oct. 27th*, 1848.

E. HICKS, *Pres't of the Nat. Com.*

Concurred, with the following amendment, strike out all from the word at, and insert in its place T. L. Roger's Salt Works in Saline District.

*Tahlequah, 27th, Oct.* 1848.

A. CAMPBELL, *Speaker of the Coun.*

E. HICKS, *Pres't of the Nat. Com.*

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*Be it enacted by the National Council*, That Jesse Wolf be, and he is hereby appointed keeper of the Public Buildings;

the Committee, Council and Court Houses in Tahlequah, and the furniture, tables, chairs, benches, fire irons, buckets and cups, to air the same as often as is necessary for their preservation: Provided, the same may be used for meetings by his leave, who shall be paid fifteen dollars per annum for said service to commence from the adjournment of the present session of the Council.

*Tahlequah, October 28th*, 1848.

Approved—GEORGE LOWREY.

———o:o———

*An Act granting Charles Landrum and R. D. Blackstone the privilege of working the lead mines in Delaware District.*

*Be it enacted by the National Council*, That Charles Landrum and R. D. Blackstone be, and they are hereby permitted and privileged to work the lead mines of Delaware District for five years, from the date of the act, for their own exclusive use and benefit

*Be it further enacted*, That after the expiration of five years, the said mines, together with what improvement may be made thereon by said Landrum and Blackstone, to revert to the Cherokee Nation, the said Landrum and Blackstone to have the use of as much timber, &c. as may be necessary for company on said operation, without infringing upon the improvement of any citizen or citizens of the Nation.

*Be it further enacted*, That the said company be and they are hereby required to make a report to the National Council, at the expiration of the five years, or sooner, should they discontinue operation, as to the probable value or profits of said mines.

*Tahlequah, Oct. 28th*, 1848.

Approved—GEORGE LOWREY.

———o:o———

*An Act making an appropriation.*

*Be it enacted by the National Council*, That the sum of seven dollars eighty seven cents be, and the same is hereby appropriated out of the National Treasury to pay for addition-

al work on the Committee and Council houses, and the Chief is hereby authorized to draw a warrant on the National Treasury for that amount, payable to C. V. McNair.

*Tahlequah, Oct. 28th*, 1848.

Approved—GEORGE LOWREY, *Acting Chief.*

———o:o———

*An Act making an appropriation for the use and benefit of Susannah Taylor.*

*Be it enacted by the National Council*, That the sum of two hundred and three dollars and fifty cents be, and the same is hereby appropriated out of the cash now in the hands of the Treasurer for the use and benefit of Susannah Taylor; and the Principal Chief be, and he is hereby authorized to draw a warrant for the same.

*Tahlequah, October 30th*, 1848.

Approved—GEORGE LOWREY, *Acting Chief.*

———o:o———

*An Act authorizing the translation of all the laws of the Cherokee Nation.*

*Be it enacted by the National Council*, That all the laws of the Cherokee Nation, including the Eastern and Western laws, be translated into the Cherokee language; to be prepared ready for printing by the first day of Oct., 1849; which shall be compiled in one book, containing both versions with suitable indexes, and also to revise the former translation of the act of union of 1839—40, Constitution and laws.

*Be it further enacted*, That after the compilation and translation shall be completed, the same shall be submitted to the National Council, and if approved, there shall be one thousand copies printed as soon as practicable at the office of the Cherokee Advocate, to be bound in neat paper covers which shall be sold at one dollar per volume for the benefit of the National Treasury.

*Be it further enacted*, That H. T. Martin be, and he is hereby appointed to translate the laws, revise and compile as specified in the above section, who shall be allowed three

hundred dollars for his services out of the National Treasury.

*Be it further enacted*, That the above named H. T. Martin, shall be sworn to perform the duties contemplated by this act, faithfully to the best of his skill and ability, before entering upon the same, and five dollars be, and the same is hereby appropriated out of the National Treasury not otherwise appropriated, for the purpose of enabling the said H. T. Martin, to purchase stationary, &c., for his use in the discharge of the duties assigned him by this act; and the Principal Chief is hereby authorized to draw warrants for the same.

*Tahlequah, October 30th*, 1848.

E. HICKS, *Pres't Nat. Com.*

Concurred with this amendment: That in case a vacancy should occur in the appointment, the Principal Chief be, and he is hereby authorized to fill the same.

Concurred—A. CAMPBELL, *Speaker Council.*

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*An Act to amend an Act passed October 25th*, 1843.

*Be it enacted by the National Council*, That an Act passed October 25th, 1843, to prevent the sale of property belonging to the husband or wife for the debts of the other, be, and the same is hereby amended as follows: That whenever the property of any person is attached to secure the payment of the debt of another, that the owner of such property so attached, shall have the right to go before the Judge or Clerk, where such attachment may have issued, and establish their claim to the same, and wherever the same is done to the satisfaction of such Judge or Clerk, it shall be his duty to give an order forthwith to the officer having such property under an attachment, to deliver it to the owner thereof; and it shall be the duty of the officer having the property in charge to do so.

*Tahlequah, October 31st*, 1848.

Approved—GEORGE LOWREY.

———o:o———

*An Act providing for the printing of the acts of* 1847 *and* 1848.

*Be it enacted by the National Council*, That immediately after the adjournment of the present session of the National

Council, the Clerk of the Committee is hereby required to furnish the Editor of the Cherokee Advocate with copies of the acts passed by the National Council at the session of 1847, and 1848. And it is hereby made the duty of the Editor to have printed immediately in English at the Office of the Cherokee Advocate, two hundred copies of said acts; and to have the same completed as soon as it can be done; and when completed, the same to be stitched in order—to be distributed throughout the Cherokee Nation.

*Be it further enacted*, That it is hereby required of the Judge of the District Courts to apply to the Editor for fifty copies each of the laws when printed, and to distribute the same among the people of their respective Districts.

*Tahlequah, November 1st*, 1848.

Approved—GEORGE LOWREY, *Acting Chief.*

———o:o———

WHEREAS, important business with the Government of the United States, both of a private and public character, remain in an unsettled condition, and with a view to a final settlement of the aforesaid matters,

*Be it enacted by the National Council*, That there be nominated and appointed a delegate or agent, of this Nation, to represent the Cherokee people before the Government of the United States; the said delegate shall be allowed for his services a compensation of three dollars per day during his absence, actually engaged in the business of said mission.

*Be it further enacted*, That the sum of one thousand dollars, out of any monies in the National Treasury, not otherwise appropriated, be and the same is hereby appropriated, for the purpose of defraying the necessary expenses of the said delegate, authorised by this act, and the Principal Chief be, and he is hereby authorised to draw a warrant for the same.

*Tahlequah, Nov. 1st*, 1848.

E. HICKS, *Pres't Nat. Com.*

Concurred with the following amendment: That there be two appointed, in lieu of one, and one thousand dollars be added, for defraying the necessary expenses.

Concurred—A. CAMPBELL, *Speaker Council.*

Approved—GEORGE LOWREY, *Acting Chief.*

*An Act establishing Manual Labor Schools for the benefit of the destitute Orphans.*

Whereas, it is deemed expedient that Manual Labor Schools, for the education of the Orphans exclusively be established; Therefore,

*Be it enacted by the National Council,* That in order to provide for the education and instruction for the destitute Orphans of the Nation, upon the manual labor plan, the Superintendent of Public Schools, Messrs. Richard Taylor and Stephen Foreman, Executive Counsellors, be, and they are hereby appointed as a committee on the part of the Nation to meet a committee on the part of the Methodist Church South, for the purpose of determining upon the most practicable plan of establishing and conducting schools for the benefit of the destitute orphans of both sex, to be located and established separately and apart at two springs on the mountain between Fourteen Mile Creek and Samuel Downing's, at a place where William Sourjohn now lives—and the terms on which the said Church will take charge of said schools, and conduct the same.

*Be it further enacted,* That the said Committee, consisting of the Superintendent of Public Schools, Stephen Foreman and Richard Taylor, Executive Counsellors, shall report the result of their conference with the said Committee on the part of the Methodist Church to the National Council, for their approval or rejection, and should the parties enter into an agreement, and the same be approved by the National Council, the said Committee shall proceed to assess the value of the improvements of the said William Sourjohn with his consent, and the value of the same shall be paid out of the Orphan funds.

*Be it further enacted,* That such substantial buildings of logs as may be necessary for the accommodation of about two hundred pupils of both sex, together with the teachers and mechanics, who may be employed to conduct the said schools shall be built.

*Be it further enacted,* That the said Committee be and they are hereby authorized to mature and determine upon the most convenient plan for the building of the aforesaid houses, and to receive proposals and make the necessary contracts for the erection of the same.

*Be it further enacted*, That the aforesaid Committee be, and they are hereby further instructed to agree with the Church, that should there be any nett profit arise from any of the department of said schools, that the same shall be applied to the support of additional scholars.

*Be it further enacted*, That the Principal Chief be, and he is hereby authorised, upon the certificate of said Committee, to issue warrants on the National Treasurer, for such sums as may be required, to meet any of the contracts, to be paid out of the orphan fund, and not otherwise appropriated.

*Tahlequah, November 3d*, 1848.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*Be it enacted by the National Council*, That the sum of one hundred dollars be, and the same is hereby appropriated out of the general National fund, not otherwise appropriated, for the use and benefit of Bird Wilson, and Edward Bushyhead, in accordance with an act passed 25th October, 1843; and the Principal Chief be, and he is hereby authorized to draw a warrant on the National Treasurer in favor of the above named individuals.

*Tahlequah, November 3d*, 1848.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*Be it enacted by the National Council*, That the Treasurer of the Cherokee Nation be, and he is hereby authorized and required, to place in the hands of the Sheriffs of the several Districts, the notes of individuals due the Nation for stray property, &c.; in order to make it more convenient for the debtors to pay the same; and the several Sheriffs shall be entitled to eight per cent. on all amounts so collected by them.

*Tahlequah, November 4th*, 1848.

Approved—GEORGE LOWREY, *Acting Chief.*

———o:o———

*An Act making an Appropriation.*

*Be it enacted by the National Council*, That the sum of three thousand five hundred and seventy-three dollars be, and

the same is hereby appropriated out of the cash in the hands of the National Treasurer, in addition to six thousand dollars already appropriated for the payment of the several officers of the Nation, according to the act of the National Council, providing for the same, passed October 24th, 1848.

*Be it further enacted*, That the Treasurer be, and he is hereby required to make the disbursements provided for in said act, at Tahlequah.

*Tahlequah, November 6th*, 1848.

Approved—GEORGE LOWREY.

———o:o———

*An Act for the benefit of Joseph Blackbird.*

*Be it enacted by the National Council*, That the sum of twenty-eight dollars be, and the same is hereby appropriated in cash for Joseph Blackbird, out of any monies in the National Treasury not otherwise appropriated, for boarding John Spencer, apprentice, up to the first day of August 1848.

*Tahlequah, November 6th*, 1848.

Approved—GEORGE LOWREY, *Acting Chief.*

———o:o———

*A Bill to reduce the terms of the Advocate.*

*Be it enacted by the National Council*, That the Editor of the Cherokee Advocate be, and he is hereby authorised to reduce the terms of the Cherokee Advocate to two dollars per annum, for those who read English, and one dollar for those who read Cherokee, to be paid in advance.

*Be it further enacted*, That he is authorised to appoint agents in behalf of the paper. Any act to the contrary notwithstanding.

*Tahlequah, November 7th*, 1848.

Approved—GEORGE LOWREY, *Acting Chief.*

———o:o———

*Be it enacted by the National Council*, That from and after the passage of this act, an additional precinct of elec-

tions be, and the same is hereby established in Skin Bayou District, to be located at or near Looney Hicks', on Salisaw.

*Tahlequah, November 8th, 1848.*

Approved—GEORGE LOWREY, *Acting Chief.*

———o:o———

*Be it enacted by the National Council,* That the precinct for holding elections, established at Cat Fields', Illinois District, be, and the same is hereby removed to the School house, near Daniel Spencer's, in Illinois District. And that an additional precinct, be, and the same is hereby established at Allen Bailey's in said District.

*Tahlequah, November 9th, 1848.*

Approved—GEORGE LOWREY.

———o:o———

*Be it enacted by the National Council,* That the National Treasurer, be, and he is hereby required to pay the outstanding National warrants, in the following manner, to wit: those issued in 1843 first, and so on each succeeding year, retaining in the Treasury each year, ten thousand dollars, to pay the officers of the Nation, as provided for in the act passed 24th October, 1848.

*Tahlequah, November 9th, 1848.*

Approved:—GEORGE LOWREY, *Acting Chief.*

———o:o———

*An Act authorizing the American Board of Foreign Missions, to establish a Missionary Station on Lee's Creek, near James Brown's.*

*Be it enacted by the National Council,* That permission be, and the same is hereby granted to the American Board of Foreign Missions, to establish a missionary school near James Brown's, on Lee's Creek, Cherokee Nation, for the purpose of improving and instructing the Cherokee people.

*And be it further enacted,* That the said James Brown be, and he is hereby appointed to aid and assist the said Board in selecting a site for the said Missionary station.

*Tahlequah, November 9th, 1848.*

Approved—GEORGE LOWREY.

*An Act to amend an act fixing the compensation of the officers of the Nation.*

*Be it enacted by the National Council,* That the act passed 4th October, 1839, be so amended, that the District Judges shall be allowed for their services seventy five dollars per annum, in addition to their present salary, and shall be entitled to a fee of one for granting letters of administration on Estates, the said fee to be paid by such person or persons obtaining such letters. This act to take effect from and after the 1st day of October, 1849.

*Tahlequah November 9th,* 1848.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*An Act making appropriation for the support of Public Schools for the year* 1849, *and for other purposes.*

*Be it enacted by the National Council,* That the sum of seven thousand dollars be, and the same is hereby appropriated, out of any money in the National Treasury, belonging to the School Fund, not otherwise appropriated, for the support of Public Schools provided for by law during the year 1849.

*Be it further enacted,* That the sum of three thousand six hundred dollars be, and the same is hereby appropriated, out of any money in the National Treasury, belonging to the Orphan Fund, not otherwise appropriated, for the board and clothing of the orphan children who may attend the several public schools.

*Be it further enacted,* That the sum of three hundred dollars, for the purchase of books and other stationary, for the use of the public schools, and the payment of outstanding debts, and three hundred dollars for the use and benefit of W. S. Adair, for his services as Superintendent of Public Schools for the year 1848, be, and the same is hereby appropriated, out of any money in the National Treasury, belonging to the school fund, not otherwise appropriated.

*Be it further enacted,* That the Principal Chief be, and he is hereby authorized to draw warrants on the National Treasury, for the amount herein appropriated, in accordance with the provisions of this act.

*Tahlequah, November 10th,* 1848.

Approved—GEORGE LOWREY, *Acting P. Chief.*

*Be it enacted by the National Council*, That the sum of nine hundred and thirty-six dollars be, and the same is hereby appropriated out of any monies in the National Treasury, not otherwise appropriated, for the benefit of John G. Ross, in full for boarding the guard at Park Hill, up to the 1st of November, 1848.

*Tahlequah, Nov. 11th*, 1848.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

The Committees appointed on the part of the Cherokee Nation and of the Missionary Society of the Methodist Episcopal Church South, to take into consideration the practicability of establishing a Manual Labor School for the benefit of the Orphan children of the Nation, under the care of the Indian Mission conference of said Church, report the following as the result of their deliberations and agreement:

Art. 1. There shall be an Orphan Manual Labor School in the Cherokee Nation, under the patronage of the Missionary Society of the Methodist Episcopal Church, South.

Art. 2. The School shall be limited in its commencement from 50 to 100 children consisting of equal number of children of both sexes, as nearly as possible.

Art. 3. The site of said school to be selected by the joint Committee acting on the part of the Nation and the Church.

Art. 4. There shall be a Board of six Trustees for the Management of the School,—three to be appointed by the Nation and three by the Missionary Society of the Methodist Episcopal Church, South.

Art. 5. The buildings for the schools with the necessary fixtures and aparatus, the farm, tools, stock animals with all and every expense, including boarding, clothing, medical attendance &c., to be paid out of the Orphan School Fund of the Nation.

Art. 6. The children to be well taken care of, boarded, clothed, instructed, &c., in all the branches (so far as practicable) of a good English education. The boys shall be instructed in the use of tools, to work on the farm, &c. The girls, spinning, weaving, knitting, sewing, the business of the dairy, with all that pertains to household and domestic economy.

Art. 7. The children admitted into the school, not under six nor over fourteen years of age, and to continue in the

same as [illegible] board of Trustees may think necessary and profitable.

Art. 8. It shall be the duty of the Board of Trustees to examine the accounts of the Institution quarterly, apportion the time for labor and teaching, and fix the salaries of the teachers.

Art. 9. The number of the scholars, the extent of improvement may be enlarged or diminished when the Board of Trustees shall find the same necessary.

Art. 10. The Superintendent of said school shall have power to call together the Board of Trustees whenever he shall find the same necessary.

Art. 11. The Missionary Society of the Methodist Episcopal Church, South, shall furnish the Superintendent and Teachers, and pay annually to their support the sum of one thousand dollars.

Art. 12. This agreement shall go into effect so soon as concurred by the authorities of the Cherokee Nation, and the Missionary Society of the Methodist E. Church, South, and the proper officers shall have been appointed to superintend and regulate the same.

Art. 13. This agreement may be altered or annulled at any time upon the recommendation of the Board of Trustees—due notice being given of the same to the Cherokee National Council and to the Missionary Board of the Methodist Episcopal Church, South.

Art. 14. Should there be any neat profits arising from the farm, shops, &c. &c., the same shall be applied to the benefit of the school.

Art. 15. All speculation, in any way, upon the funds, the property of the Institution, to be carefully guarded against.

The foregoing articles agreed to and concurred in, this 10th day of November, 1843—by

W. S. ADAIR,
R. TAYLOR,
Committee on the part of the Cherokee Nation.

And by

THOS. RUBLE,
THOS. HURLBURT,
THOS. BERTHOLF,
Committee on the part of the Missionary Society of the M. E. Church, South.

*Be it enacted by the National Council*, That the foregoing agreement be, and the same is hereby confirmed and approved and so much of the act passed 3d day of November, 1848, as militates against any of the provisions of said foregoing agreement be, and the same is hereby repealed.

*And be it further enacted*, That should the said Committees select the improvement of any citizen, for the location of said school, be, and they are hereby authorized to purchase the same, and so much of the act passed as above, as authorizes the said Committee to value any such improvement is hereby repealed.

*Tahlequah, Nov. 10th*, 1848.

Approved—GEORGE LOWREY, *Acting P. Chief.*

———o:o———

*An Act for the purposes therein named.*

*Be it enacted by the National Council*, That the Treasurer be, and he is hereby authorized to purchase, at the expense of the Nation, two tables, one dozen chairs, fire-dogs, shovels and tongs, to be placed in the buildings intended for the use of the Executive and the Treasurer.

*Tahlequah, Oct. 8th*, 1849.

Approved—JNO. ROSS.

———o:o———

*Resolved by the National Council*, That they have received with profound regret official intelligence of the death of William Shorey Cooley, one of the Directors of the Cherokee Seminaries, and late a member of the National Committee.

*Resolved*, As a testimonial of our respect for the memory of the deceased, that a copy of these resolutions be entered upon the Journal of both branches of the National Council.

*Tahlequah, October 8th*, 1849.

JAMES KELL, *Pres't N. Committee.*

Concurred—SIX KILLER, *Speaker of Council.*

———o:o———

*An Act for the relief of Samuel McCollum.*

*Be it enacted by the National Council*, That the Principal Chief be, and he is hereby authorized to issue a duplicate

warrant in favor of Samuel McCollum for Seven dollars, he (McCollum) having made a satisfactory showing to the Committee and Council, that he had a warrant given in his own name for that amount of the 1848 issue which he has lost or mislaid. The Treasurer is hereby requested not to pay said Warrant, should the same be presented for that purpose.

*Tahlequah, Oct. 11th,* 1849.

Approved—JNO. ROSS.

———o:o———

*An Act relating further to National Certificates.*

*Be it enacted by the National Council,* That all certificates issued for public services by the authorized officers of this Nation, shall be presented for settlement to the session of the National Council, next convened after their date, otherwise they shall be of no value.

*Be it further enacted,* That any officer who may issue a certificate, for services not authorized by law, shall be subject to the recovery of the amount thereof, at a suit at law, before a legally constituted Court of this Nation, for the benefit of the holder of such certificate. Actions brought under the provisions of this act, shall be subject to the same regulations as those brought for the recovery of debt.

*Tahlequah, October 11th,* 1849.

Approved—JNO. ROSS.

———o:o———

*An Act to repeal an Act entitled "An Act to allow Criminals to testify in certain Cases."*

*Be it enacted by the National Council,* That the Act passed October 21st, 1845, entitled "an Act to allow criminals to testify in certain cases," be, and the same is hereby repealed. To take effect from and after the passage.

*Tahlequah, October 11th,* 1849.

Approved—JNO. ROSS.

———o:o———

*An Act to amend an Act, entitled "An Act relating to the compensation of Circuit Judges.*

*Be it enacted by the National Council,* That an Act passed October 15th, 1841, entitled "an Act relating to the com-

pensation of Circuit Judges," be, and the same is hereby amended, so as to read as follows: That from and after the passage of this act, the Circuit Judges, shall receive a compensation of two hundred and fifty dollars each, per annum, for their services.

*Tahlequah, October 12th*, 1849.

Approved—JNO. ROSS.

———o:o———

*An Act to amend an act entitled "An Act relative to estates."*

*Be it enacted by the National Council*, That the Act amending an act relative to Estates and Administrators, passed Oct. 29th, 1845, be, and the same is hereby amended as follows: That the persons who may be appointed by the District Judge to appraise the effects of an estate shall be paid one dollar per day each for their services, to be paid by the Executor or Administrator out of the effects of such an estate.

*Be it further enacted*, That in case the person so appointed by the Judge shall fail, or refuse to value an estate as aforesaid, unless on account of sickness or some other lawful excuse, they shall be fined each, for such failure or refusal, the sum of Ten dollars. The same when collected to be paid into the National Treasury. The Judges of the several Districts be, and they are hereby authorized to impose a fine as aforesaid in all cases arising under this act.

*Tahlequah, Oct. 12th*, 1849.

Approved—JNO. ROSS.

———o:o———

*Be it enacted by the National Council*, That Wm. Barnes, be, and he is hereby privileged to return to the Cheroke Nation and reside; and is admitted to the enjoyment of the rights and privileges of citizenship of this Nation.

*Tahlequah, Oct. 15th*, 1849.

Approved—JNO. ROSS.

———o:o———

*Be it enacted by the National Council*, That the Act of November 10th 1848, providing for the establishment of an Orphan Manual Labor School, be, and the same is hereby repealed.

*Tahlequah, October 23d*, 1849.

Approved—JNO. ROSS.

*Resolutions directing the assembling of the Cherokee People in General Council.*

*Resolved by the National Council,* That the Principal Chief be, and he is hereby directed to issue his Proclamation and send out "Runners," inviting the whole Cherokee People to assemble in General Council, at Tahlequah, on Wednesday, the 7th day of November next, for the purpose of taking into consideration the importance of providing means for the payment of the National debt.

*Resolved further,* That when the people shall have so assembled in general Council, the Principal Chief shall present, or cause to be presented to them, the amount of the National debt, and the annual receipts of the Treasury, subject to the payment of the same; also in what way, if any, money shall be provided for the payment of the debt; whether it shall be done by imposing a tax upon the Per Capita money due the Cherokee People by virtue of Treaties with the United States, or whether they will authorize the retrocession to the United States of the 800,000 acres of land, commonly called the Neutral Land, under proper restrictions, the investment of the principal, and the appropriation of the interest to the payment of the debt, until that shall have been done—and then to the support of schools in the Cherokee Nation.

*Resolved further,* That the Principal Chief is also hereby directed to make all arrangements necessary for the accommodation of the people while assembled in compliance with the above resolutions.

*Tahlequah, October 18th,* 1849.

JAMES KELL, *Pres't Nat. Com.*

Concurred with the following—viz: In place of "under certain restrictions," insert with the understanding, that it is to be subject to Indian occupation only.

*Tahlequah, Oct. 20th,* 1849.

SIX KILLER, *Speaker Nat. Council.*

Approved—JNO. ROSS.

———o:o———

*An Act authorizing the appointment of a Delegation to Washington City.*

*Be it enacted by the National Council,* That it is expedient to appoint a Delegation consisting of three persons, to

represent the Cherokee people before the Government of the United States, for the purpose of bringing to a close, all unsettled business between the Cherokee Indians and the United States' Government, and to transact all matters of National concern that may be entrusted to their care; also that the Principal Chief be requested to accompany said Delegation. Each Delegate shall receive for his services three dollars per day out of the public funds, while engaged on his mission.

*Tahlequah, October 23d*, 1849.

Approved—JNO. ROSS.

———o:o———

*Be it enacted by the National Council*, That the Principal Chief be, and he is hereby authorized to have procured and forwarded, a suitable block of Cherokee marble to the "Washington Monument Association," Washington, D. C., as an offering from the Cherokee Nation.

*Tahlequah, October 25th*, 1849.

Approved—JNO. ROSS.

———o:o———

*Resolved by the National Council*, That a Committee be appointed on behalf of the National Council, to meet the Committee that has been appointed on the part of the Indian Mission Conference of the M. E. Church, South, for the purpose of negotiating a plan for the establishment of a Manual Labor School, for the benefit of Cherokee Orphans, under the care of the Missionary Society of said Conference; and that the said Committee be instructed to report the result of their negotiations to the National Council for final action, should it be deemed necessary.

*Resolved*, That the said Committee consist of Alexander Foreman, Wm. P. Ross, and James Sanders.

*Tahlequah, October 29th*, 1849.

Approved—JNO. ROSS.

———o:o———

*An Act defining the duties of the Treasurer.*

*Be it enacted by the National Council*, That it shall be the duty of the Treasurer of the Cherokee Nation, to present

a full report of all monies received and disbursed by him; particularly setting forth to what accounts chargeable, and under what acts he has made payments, and submit the same, hereafter, through the Principal Chief to the National Council, during the first week of the session of the same; also, that it shall be his duty to record in his office, in books, to be procured for that purpose, all appropriation acts under which he makes payments, correct copies of all official reports made by him, and keep such records as will exhibit the state of the funds on all accounts, and the condition of the Treasury in regard to the debts and credits to which it is subject.

*Tahlequah, October 31st*, 1849.

Approved—JNO. ROSS.

———o:o———

## *An Act relating to Public Ferries.*

*Be it enacted by the National Council*, That any person desirous of keeping a public ferry, shall first be required to obtain a license for that purpose from the National Treasurer, and for which he shall pay, annually in advance, the following tax—to wit: For a ferry on the Arkansas, Canadian, or Grand Rivers, the sum of twenty-five dollars per annum. On the Illinois and Verdigris rivers, the sum of ten dollars per annum. Any person so obtaining a license, shall be required to keep good boats and ferrymen, and convey all persons, promptly during seasonable hours, (Sundays excepted) when it can be done with safety, at rates heretofore fixed by law. No person shall be allowed to open a new ferry within less than half mile of any ferry established agreeably to the provisions of this act.

*Be it further enacted*, That any person found guilty of a violation of the provisions of this act, shall be subject to a fine for every such offence, in a sum double the amount of the license established above. One half for the benefit of the informer, and the other for the Treasury. All such fines shall be recoverable before the Courts of the Nation.

*Tahlequah, October 31st*, 1849.

JAMES KELL, *Pres't Committee.*

Concurred with the following amendment: Insert, ten dol-

lars per annum, in the place of five dollars, on the Illinois and Verdigris rivers.

SIX KILLER, *Speaker Council.*
Approved—JNO ROSS.

———o:o———

*Resolved by the National Council,* That the translation of the laws of the Nation, made by H. T. Martin, under the provisions of an Act of the National Council, passed 30th October, 1848, be, and the same is hereby approved. And H. T. Martin and Joseph Blackbird, be, and they are hereby appointed a committee to superintend the printing of the same, at the office of the Cherokee Advocate; and that said committee appointed by this act, shall not be required to commence the discharge of their duties, until after the adjournment of the present session of the Council.

*Tahlequah, November 1st,* 1849.

JAMES KELL, *Pres't Nat'l Committee.*
Concurred—SIX KILLER, *Speaker Council,*

———o:o———

*An Act authorizing the appointment of an Examining Board.*

*Be it enacted by the National Council,* That there shall be appointed by the Principal Chief, three persons who shall constitute an Examining Board, and whose duty it shall be to examine into the acquirements and qualifications of all persons who may be applicants for employment as teachers in the public schools of the Nation; and it shall not be lawful for the Superintendent of public schools, to employ any person as a teacher who has not been so examined and recommended as a suitable person to be employed as teacher by the said Examining Board.

*Tahlequah, 2d November,* 1849.

Approved—JNO. ROSS.

———o:o———

*An Act relating to Lawyers.*

*Be it enacted by the National Council,* That before any citizen shall be allowed to appear before the Courts of this

Nation, for the purpose of practicing at law, he shall obtain a license from and pay in advance annually to the Treasurer, the sum of ten dollars to practice before the District and Circuit Courts; and to practice before the District, Circuit and Supreme Courts, twenty dollars, and be required to take an oath, that he will to the best of his knowledge and ability, support and defend all causes that may be entrusted to his care.

*Be it further enacted*, That any person engaged in the practice of law, agreeable to the provisions of this act, who shall be convicted before any of the Courts, of bribing or attempting to bribe any guard, Juror or witness, or otherwise influencing them, to keep them from appearing at Court, or proving unfaithful to their duties and oaths, shall be subject to a fine of fifty dollars, and the revocation of their license. All fines collected under the provisions of this act, shall be paid into the Treasury.

*Be it further enacted*, That this act shall not be so construed as to deprive any citizen of the right and privilege of appearing before the Courts in any case to which he may be a party. This act to take effect from and after the 1st day of January, 1850.

*Tahlequah, 2d November*, 1849.

Approved—JNO. ROSS.

———o:o———

*An Act making appropriacion to pay for building of the Executive and Treasurer's Offices.*

*Be it enacted by the National Council*, That the sum of four hundred dollars be, and the same is hereby appropriated, for the use and benefit of Johnson Thompson, to be paid out of the first money received by the Treasurer, belonging to the general National funds, the same being the amount contracted to be paid by the Nation, for the building of the Executive and Treasurer's Offices, agreeable to an act passed 14th October, 1848, and that the Principal Chief be, and he is hereby authorized to draw on the Treasury for the same.

*Tahlequah, 2d November*, 1849.

WILL. P. ROSS, *Pres't Nat. Com. pro tem.*

Approved—JNO. ROSS.

*Be it resolved by the National Council,* That the Sheriff of Tahlequah District be, and he is hereby authorized and directed to summons such police as may in his judgment be necessary to suppress the introduction and vending of intoxicating liquors, and preserve order during the assembling and continuance of the Cherokee people in the general Council contemplated to be held at this place on the 7th instant.

*Tahlequah, November 2d,* 1849.

Approved—JNO. ROSS.

———o:o———

*An Act relating to Stray Property*

*Be it enacted by the National Council,* That so much of the Act passed 11th October, 1841, relative to stray property, as requires the Sheriffs of the several Districts to advertise the sale of such property, be, and the same is hereby amended: That from and after the passage of this act, the Sheriffs in advertising stray property, such as horses, mules and cattle, shall insert the same in the Cherokee Advocate, both in the English and Cherokee languages—without any expense to the Sheriff so advertising.

*Tahlequah, November 3d,* 1849.

Approved—JNO. ROSS.

———o:o———

*An Act relating further to Spirituous Liquors.*

*Be it enacted by the National Council,* That the Sheriffs of the several Districts, be, and they are hereby empowered to summons a guard of four persons, to assist in the wasting of spirituous liquors, should resistance be offered to them, while in the discharge of this duty. And persons so summoned, shall be entitled to one dollar per day while acting with or under the authority of a Sheriff.

*Tahlequah, November 3d,* 1849.

Approved—JNO. ROSS.

———o:o———

*An Act continuing in force the Act entitled "An Act for the relief of persons indebted to the Nation."*

*Be it enacted by the National Council,* That an Act entitled "An Act for the relief of persons indebted to the Nation,"

dated November 9th, 1847, is hereby renewed and shall continue in force until the 9th day of Nov., in the year 1850.

*Tahlequah, November 3d,* 1849.

Approved—JNO. ROSS.

———o:o———

*An Act for the benefit of Big Dollar.*

*Be it enacted by the National Council,* That there be allowed out of the National Treasury, to Big Dollar, a cripple, of Skin Bayou District, the sum of Twenty dollars per annum, for his support, during his natural life.

*Tahlequah, November 5th,* 1849.

Approved—JNO. ROSS.

———o:o———

*Resolved by the National Council,* That the resolution passed November 5th, 1845, and also the resolution passed October 24th, 1848, amending the same, authorising the Acting Chief to appoint a guard to be stationed at the residence of the Principal Chief, to guard the public papers, documents, &c., be and the same is hereby repealed.

*Tahlequah, Nov. 5th,* 1849.

Approved—JNO. ROSS.

———o:o———

*Be it enacted by the National Council,* That the sum of four thousand three hundred and five dollars, fifty-nine and one-fourth cents, for the benefit of the persons named above, be and the same is hereby appropriated out of any money in the National Treasury, according to acts dated October, 24th, 1848, and November, 8th, 1848—and the Principal Chief is hereby authorised to draw warrants for the same.

*Tahlequah, November 5th,* 1849.

Approved—JNO. ROSS.

———o:o———

*Be it enacted by the National Council,* That from and after the passage of this act, that the officers of the Nation

shall be paid in cash out of the National Treasury, for stationary, &c., that they may use when in the discharge of their official duty; and the same shall be placed on the cash appropriation.

*Tahlequah, November 6th*, 1849.

Approved—JNO. ROSS.

———o:o———

*An Act appropriating One Hundred and thirty-five dollars for the benefit of Allen Manning.*

*Be it enacted by the National Council*, That the sum of one hundred and thirty-five dollars, be, and the same is hereby appropriated out of the first money received in the National Treasury, for the use and benefit of Allen Manning, for building the fence around the Public Square, in the town of Tahlequah; and the Principal Chief is hereby authorised to issue a warrant for the same.

*Tahlequah, November 8th*, 1849.

Approved—JNO. ROSS.

———o:o———

*An Act relating further to Salines*

SEC. 1. *Be it enacted by the National Council*, That any citizen of the Nation shall have the privilege of manufacturing salt, within the limits of the Nation, at any of the Salines now discovered, which are not already leased out, upon the conditions hereinafter named, to wit: Any person desirous of manufacturing salt, shall enter into bond, with good security, to pay the Treasurer of the Cherokee Nation, quarterly, the sum of three cents, for any fifty pounds of salt that he may make, and he is hereby required to furnish a full statement of the same on oath.

SEC. 2. *Be it further enacted*, That the bonds mentioned in the first section of this act, shall extend to a period of ten years.

SEC. 3. *Be it further enacted*, That if any person engaged in the manufacture of salt, under the provisions of this act, shall cease manufacturing at any time for a period of eighty

days, the Nation shall have the privilege of renting the saline to some other individual.

SEC. 4. *Be it further enacted*, That it shall be the duty of the Treasurer to take bonds provided for above.

SEC. 5. *Be it further enacted*, That any person engaging to manufacture salt, under the provisions of this act, shall commence the manufacture thereof, within the term of twelve months, from the date of his bond. In case of failure to do so, the saline shall revert to the Nation.

SEC. 6. *Be it further enacted*, That any person forfeiting their lease according to the provisions of this act, shall be liable to indictment for damages in the Circuit Courts of this Nation; and it is hereby made the duty of the Treasurer, to bring suits against such person in the name, and for the benefit of the Cherokee Nation. And he shall be entitled to ten per cent. out of all money collected under the provisions of this section of the act.

SEC. 7. *Be it further enacted*, That it shall be lawful for any person, a citizen of the Nation, to dig or bore for salt-water, and when obtained, shall have the privilege of manufacturing salt therefrom, for the term of ten years, free of rent: *Provided*, always, that no person shall have the privilege of digging or boring or manufacturing salt within a distance of one fourth of a mile from any other saline.

*Tahlequah, November 12th*, 1849.

Approved—JNO. ROSS.

——o:o——

*Be it enacted by the National Council*, That George R. Johnson, (a whiteman) with a Cherokee family, be, and he is hereby recognized and admitted to the enjoyment of the rights and privileges of citizenship of this Nation.

*Tahlequah, November 13th*, 1849.

Approved—JNO. ROSS.

——o:o——

WHEREAS, there has occurred and now exists a *deficit* in the accounts of the Treasurer of seven thousand four hundred and two dollars, and twenty-six and three quarter cents, for the principal amount of which the Treasurer can in no way account; and,

WHEREAS, the National Council reposing confidence in the integrity of the Treasurer, and willing to extend every indulgence to him consistent with justice to the Nation; therefore,

*Resolved by the National Council*, That the President of the National Committee, be, and he is hereby directed to notify forthwith the securities of David Vann, Treasurer, of the deficit that has occurred in his account, and of the readiness of the National Council to allow him till the first Monday in October next, to meet the said deficit. *Provided*, that the said securities will consent that such indulgence shall in no way impair the bond of said David Vann, in which they are bound as securities for the faithful discharge of his trust as Treasurer.

*Resolved further*, That the securities are hereby requested to furnish an immediate reply to the above resolution.

*Tahlequah, November 13th*, 1849.

JAMES KELL, *President Nat. Committee*

Concurred—SIX KILLER, *Speaker Council.*

———o:o———

## *An Act for the benefit of Jesse Wolf.*

*Be it enacted by the National Council*, That the sum of fifteen dollars be, and the same is hereby appropriated out of the first money received into the National Treasury, for the benefit of Jesse Wolf, for erecting a platform in the Public Square.

Also the further sum of fifteen dollars is hereby appropriated out of any money in the Treasury, not otherwise appropriated, as compensation for taking care of the Public Buildings at Tahlequah, according to an act dated October 28th, 1848, for the benefit of the same.

*Tahlequah, November 14th*, 1849.

Approved—JNO. ROSS.

———o:o———

## *An Act authorizing the Translation of the laws passed at the annual session of the National Council in 1849.*

*Be it enacted by the National Council*, That H. T. Martin, one of the Committee appointed, under a resolution of the

National Council, dated November 1st, 1849, to superintend the printing of the laws of the Cherokee Nation, as translated under the provisions of an act, dated October 30th, 1848, be, and is hereby requested and instructed to translate the laws enacted at the present session of the National Council, as soon as practicable, and to cause the same to be embodied in the book contemplated in the aforesaid act of October 30th, 1848.

*Be it further enacted*, That the aforesaid translator shall be allowed two dollars per day for his services while engaged in actual service, to be paid out of the National Treasury.

*Tahlequah, November 14th*, 1849.

Approved—JNO. ROSS.

———o:o———

*An Act for the benefit of R. B. Daniel.*

*Be it enacted by the National Council*, That the sum of ten dollars be, and the same is hereby appropriated out of any money that may be received into the National Treasury for the use and benefit of R. B. Daniel for stationary &c. furnished by him for the use of the National Committee, and the Select Committee; and the Principal Chief is hereby authorized to draw a warrant for R. B. Daniel accordingly.

*Tahlequah, November 14th*, 1849.

Approved—JNO. ROSS.

———o:o———

*An Act for the relief of Choo-wo-tsa-ka.*

*Be it enacted by the National Council*, That the sum of one hundred and twenty-three dollars be, and the same is hereby appropriated out of any money in the National Treasury, not otherwise appropriated, for the relief and benefit of Choo-wo-tsa-ka, late Sheriff of Delaware District; the same being the amount of damages and costs recovered of him by Lewis Wilkerson, at the late session of the Supreme Court, for selling an improvement alleged to belong to Eli Palmer, under the act of 11th November, A. D. 1846.

*Tahlequah November 15th*, 1849.

Approved—JNO. ROSS.

*An Act for the benefit of Capt. Fish and others.*

*Be it enacted by the National Council*, That the following amounts be, and the same is hereby allowed to the persons hereinafter named, for services rendered as Special Guards at Park Hill, to wit:

Captain Fish, nine dollars and thirty one cents; Young Wolf, seven dollars; Oo-nah-cher-ser, seven dollars; Nat-che-yar, seven dollars.

And the Principal Chief be, and he is hereby authorized to draw the warrants for the same.

*Tahlequah, November, 14th*, 1849.

Approved—JNO. ROSS.

———o:o———

*Be it enacted by the National Council*, That the sum of three hundred dollars be, and the same is hereby appropriated for the benefit of Sally Guess, widow of George Guess, deceased, agreeably to an act, entitled "An act for the benefit of George Guess," dated Dec. 29th, 1843.

*Tahlequah, November 16th*, 1849.

Approved—JNO. ROSS.

———o:o———

*An Act for the benefit of Elizabeth Keys.*

*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, belonging to the General School Fund, not otherwise appropriated for the use and benefit of Elizabeth Keys for damages sustained by the location of the Cherokee Female Seminary; and the Principal Chief is hereby authorized to draw a warrant accordingly.

*Tahlequah, Nov. 16th*, 1849.

Approved—JNO. ROSS.

———o:o———

*Be it enacted by the National Council*, That the Principal Chief be, and he is hereby authorized to issue a warrant, (if not already issued) for the valuation of the Grand

Saline, made in the name of the Captain John Rogers, and turn over the same to Elizabeth Rogers, the widow of said John Rogers; Provided she (E. Rogers is the legal representative of said Estate.)

And the provision of any act directing the withholding of the said valuation is hereby repealed.

*Tahlequah, November 16th*, 1849.

Approved—JNO. ROGERS.

———o:o———

*An Act granting certain privileges therein named to James Mackey.*

*Be it enacted by the National Council*, That James Mackey is hereby privileged to work a Saline in the bed of Illinois River, about half a mile above the Saline known as Coodey's Salt works, for the term of four years from the expiration of the present lease, free of any rent to the Nation: Provided, he (Mackey) shall make such improvements to said saline as will make it valuable to the Cherokee Nation: Provided that the foregoing privilege shall not be so construed as to interfere with, or impair in any, any rights granted to the lessee of Cabin's or Coodey's Saline under the act of 30th October, 1843, entitled an act in reference to Salines.

*Be it further enacted*, That after the expiration of the five years first mentioned, he shall be allowed to work the aforesaid Saline five years longer, by paying to the Cherokee Nation one and a half cents for every fifty pounds of salt manufactured by him at said Saline, the same to be paid the to National Treasurer, quarterly.

*Tahlequah November 16th*, 1849.

Approved—JNO. ROSS.

———o:o———

*An Act to repeal the acts relating to Public Cooks.*

*Be it enacted by the National Council*, That the Act passed 11th October, 1841, entitled "An Act relating to Public Cooks;" and also the act to amend the same, dated October, 23d, 1835, be, and the same are hereby repealed: Provided,

however, that the Principal Chief shall have authority at any call session, or when it is expected that a large assemblage of the Cherokees shall be in attendance, to appoint as many Public Cooks as he may deem necessary for that purpose.

*Tahlequah, November 16th*, 1849.

Approved—JNO. ROSS.

———o:o———

*Be it enacted by the National Council*, That the sum of one hundred and ninety two dollars be, and the same is hereby allowed to John Ross, for boarding Capt. Fish and men, while engaged as special Guard at Park Hill, and the same is hereby appropriated out of any money in the National Treasury not otherwise appropriated.

*Tahlequah, November 16th*, 1849.

Approved—JNO. ROSS.

———o:o———

*Be it enacted by the National Council*, That James Jones be, and he is hereby privileged to return to the Cherokee Nation with his family and reside, and is admitted to the enjoyment of the rights and privileges of citizenship of this Nation.

*Tahlequah, November 16th*, 1849.

Approved—JNO. ROSS.

———o:o———

*Be it enacted by the National Council*, That John Mc'Coy, a white man, with a Cherokee family, be, and he is hereby admitted to the rights of Cherokee citizenship.

*Tahlequah, November 16th*, 1849.

Approved—JNO. ROSS.

———o:o———

Whereas, by an act of the National Council dated November 30th, 1842, provision was made for the building of Court Houses in the several Districts; and whereas, some of the contractors, were paid for the same, before the Court Houses were completed, with the understanding that they

should be finished afterwards; but in some cases has not been done; therefore,

*Be it enacted by the National Council*, That six months are hereby extended to such contractors, for the finishing of said Court Houses according to contract, when, if the same shall not be done, it shall be the duty of the Solicitors to commence suit against such contractors for their failure, and they shall be subject to such fines as may be deemed just, not exceeding the amount of the original contract.

*Tahlequah, November 17th*, 1849.

Approved—JNO. ROSS.

———o:o———

*An Act making appropiation for Public Schools for the year 1850, and for other purposes.*

*Be it enacted by the National Council*, That the sum of seven thousand dollars, be, and the same is hereby appropriated, out of any money in the National Treasury, belonging to the General School Fund, not otherwise appropriated for the support of Public Schools, provided for by law, during the year 1850. Also the further sum of four thousand dollars, to be applied in whole or in part under the Board of Directors for putting into operation and sustaining the first year, the Cherokee Female Seminary.

*Be it further enacted*, That the sum of three thousand six hundred dollars, be, and the same is hereby appropriated out of any money in the National Treasury, belonging to the Orphan fund, not otherwise appropriated, for the board and clothing of the orphan children who may attend the several public schools.

*Be it further enacted*, That the sum of three hundred dollars, for the purchase of books and other stationary, for the use of the Public Schools; and the sum of three hundred dollars, for the use and benefit of W. S. Adair, for his services as Superintendent of Public Schools for the year 1849, be, and the same is hereby appropriated out of any money in the National Treasury, not otherwise appropriated, belonging to the School fund,

*Be it further enacted*, That the Principal Chief, be, and he is hereby authorised to draw warrants on the National Treasury for the amounts herein appropriated in accordance with the provisions of this act. *November 19th*, 1849.

Approved—JNO. ROSS.

*An Act to repeal Acts therein named.*

*Be it enacted by the National Council*, That an act entitled, "an Act for furnishing provisions for the Council," and an Act entitled, "an Act relating to a Commissary," be, and the same are hereby repealed.

*Tahlequah, November 19th*, 1849.

Approved—JNO. ROSS.

—o:o—

*Be it enacted by the National Council*, That the sum of fifteen dollars, be, and the same is hereby appropriated, out of any money in the general School Fund, not otherwise appropriated, for the benefit of W. S. Adair, for extra services in making out a report on Public Schools, according to resolution of the National Council; and the Principal Chief is hereby authorized to draw a warrant accordingly.

*Tahlequah, November 19th*, 1849.

Approved—JNO. ROSS.

—o:o—

*Be it enacted by the National Council*, That the sum of three thousand dollars, be, and the same is hereby appropriated out of any money in the Treasury to defray the expenses of the Delegation to Washington, provided for in the Act of October 23d, 1849.

*Tahlequah, November 19th*, 1849.

Approved—JNO. ROSS.

—o:o—

*An Act relating to Head Right or Per Capita Money.*

*Be it enacted by the National Council*, That it is hereby made the duty of the Delegation, who may be appointed to visit the City of Washington on business with the Government of the United States, to enter into an arrangement with the proper authorities of the United States, so as to cause the Head Right or Per Capita money, that may be found due the Eastern Cherokees on a settlement with the United States, paid out to the aforesaid Eastern Cherokees, now living, and to their descendants, according to a census to be taken for that purpose; and not as contemplated by the Treaty of 1835, which provides that it shall be paid according to a census taken in the Eastern Cherokee Nation.

*Be it further enacted*, That the Principal Chief be, and

he is hereby authorized to instruct said Delegation in accordance with the provision of the first section of this Act.

*Tahlequah, November 19th*, 1849.

Approved—JNO. ROSS.

———o:o———

*An Act authorizing the appointment of an additional Printer in the Office of the Cherokee Advocate, and making an appropriation for the purchase of paper, &c.*

*Be it enacted by the National Council*, That the Editor of the Cherokee Advocate, be, and he is hereby authorized to employ an additional Printer, so long as may be necessary to print such edition of laws of the Cherokee Nation as may be authorised by law—the compensation of such printer not to exceed the amount allowed the printers already employed.

*Be it further enacted*, That the sum of three hundred dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purchase of paper, types and such furniture as may be required in the office; and the Principal Chief is hereby authorized to issue a warrant for the same.

*Tahlequah, November 20th*, 1849.

JAMES KELL, *President Nat. Com.*

Approved—JNO. ROSS.

———o:o———

*An Act making further Appropriations.*

*Be it enacted by the National Council*, That the sum of nine hundred and seventy-eight dollars, and a quarter cents, be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the use and benefit of the persons, and according to the amounts affixed to their respective names.

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

*Tahlequah, November 20th*, 1849.

JAMES KELL, *President Nat. Com.*

Approved—JNO. ROSS.

*An Act making Appropriations for pay of Members of National Council, &c.*

*Be it enacted by the National Council*, That the sum of seven thousand one hundred and forty-five dollars and sixty-seven and one fourth cents, be, and the same is hereby appropriated out of any money in the National Treasury, for the use and benefit of the persons hereinafter named, and according to the sums affixed to their respective names.

*Be it further enacted*, That the Principal Chief be, and he is hereby authorized to draw warrants for the same according to the acts of October 24th, and November 9th, 1848.

*Be it further enacted*, That the Principal Chief is also hereby authorized to draw a warrant, for the use and benefit of John Spears, for the sum of twenty-five dollars and fifty cents, for services as Interpreter to National Committee, according to the acts above named.

*Tahlequah, November 27th*, 1849.

Approved—JNO. ROSS.

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*Resolutions instructing the Delegation.*

WHEREAS, there remains unsettled business between the Government of the United States and the Cherokee people, which it is important to press to a speedy close; and whereas, it has been deemed expedient by the National Council, to appoint a Delegation consisting of David Vann, Treasurer of the Cherokee Nation, John Drew and William P. Ross, members of the National Committee, to represent the interests of the Cherokee people before the said Government. Therefore,

*Be it resolved by the National Council*, That David Vann, Treasurer of the Cherokee Nation, and John Drew and Wm. P. Ross, members of the National Committee, be, and they are hereby empowered to fully represent and act for and in behalf of the Cherokee people in the settlement of all unsettled business between them and the Government of the United States arising under treaty stipulations or otherwise.

*Be it further resolved*, That the said Delegation, be, and they are hereby particularly instructed, to urge to a speedy close, the settlement and payment of money due the emigrant

and old settler Cherokees, under the treaty of 1846, also the payment of the School funds withheld from the Nation.

*Be it further resolved*, That the said Delegation are also instructed to urge upon the Government, the importance of having the Cherokee Agency located, in conformity with treaty stipulations, and the removal or discontinuance of the practice of licensing white traders to reside among the Cherokee people.

*Be it further resolved*, That should any vacancy occur in the said Delegation, the Principal Chief be, and he is hereby empowered to fill the same by appointment.

*Tahlequah, November 20th*, 1849.

Approved—JNO. ROSS.

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*An Act to raise the Wages of Fire-Makers.*

*Be it enacted by the National Council*, That from and after the passage of this act, that the fire-maker, for the Committee, Council, Executive Department, and Supreme Court, shall each receive in cash for their services, one dollar per day: and any and all laws to the contrary are hereby repealed.

*Tahlequah, October 11th*, 1859.

Approved—JNO. ROSS.

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*An Act amending an Act to fill Vacancies.*

*Be it enacted by the National Council*, That the act passed October 20th 1841, entitled, "an Act to fill Vacancies," be, and the same is hereby amended: That any person, being a member of either house of the National Council, who may remove out of the District where he may have been elected a member as aforesaid, and should settle in any other country or District, shall, from that date, cease to be considered, a member of the National Council, from the District where he may have been elected.

*Be it further enacted*, That upon the notification of the District Judge, of the District where such removal has occurred, it shall be his duty forthwith, to notify the Principal

Chief of such removal and vacancy, in like manner as provided for agreeably to the above act. This act to take effect from and after its passage.

*Tahlequah, October 14th*, 1850.

Approved—JNO. ROSS.

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*An Act granting Charles Landrum and R. D. Blackstone, the privilege of working the Lead Mines in Delaware District.*

*Be it enacted by the National Council*, That Charles Landrum and R. D. Blackstone, be, and they are hereby permitted and privileged to work the Lead Mines in Delaware District, free of any expense to the Nation, for the term of eight years from the date of this act upon the following conditions, to wit: That the said Landrum and Blackstone shall pay to the Cherokee Nation, three dollars in National Warrants, for every one hundred dollars' worth of lead they may make: a statement of which they are required to make on oath, and be required to enter into bond with approved security for the payment of the same.

*Be it further enacted*, That it is hereby made the duty of the National Treasurer to take the bond, and receive the rent provided for in this act; and the said Landrum and Blackstone shall be required to pay the rent annually, after they commence the manufacture of lead.

*Be it further enacted*, That at the expiration of eight years, the said mines, together with whatever improvement may be made thereon, by said Landrum and Blackstone, shall revert to the Cherokee Nation.

*Be it further enacted*, That the said Landrum and Blackstone shall have the use of as much timber as may be necessary without infringing upon the improvement of any citizen or citizens of the Nation.

*Be it further enacted*, That an Act granting Charles Landrum and R. D. Blackstone, the privilege of working the lead mines in Delaware District, passed October 28th, 1848, be, and the same are hereby repealed.

*Tahlequah, October 16th*, 1850.

JAMES KELL, *Pres't Nat. Com.*

Approved—JNO. ROSS.

*An Act to prevent persons from trading with Negro Slaves, without permission from the owner of such Slave.*

*Be it enacted by the National Council*, That from and after the passage of this Act, it shall be unlawful for any person to trade with a negro slave, in any way whatever, without first having obtained permission from the owner of such negro slave

*Be it further enacted*, That any person or persons, found guilty of a violation of this Act, before any Court of this Nation, having jurisdiction of the same, shall be fined for every such offence, twenty-five dollars; one half for the benefit of the Cherokee Nation, and the other half, for the benefit of the owner of such slave. Suits to be brought in this case as in other civil cases.

*Tahlequah, October 25th*, 1850.

Approved—JNO. ROSS.

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*An Act to amend an act entitled "An Act against False-swearing."*

*Be it enacted by the National Council*, That the first section of the "Act against false swearing," passed November 28th, 1842, be, and the same is hereby amended, so as to read as follows: That from and after the passage of this Act, should any person be found guilty of false-swearing before, or in any of the Courts of this Nation, and undoubted or credible testimony being made against any person or persons, charged with such offence, in any of the Courts of this Nation, he, she or they, so offending, shall upon conviction, receive thirty-nine lashes on the bare back, and be deprived of holding any appointment of honor, trust, or profit, under the government of this Nation, and debarred forever afterwards from giving testimony in any of the Courts of this Nation.

*Tahlequah, November 1st*, 1850.

Approved—JNO. ROSS.

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*Be it enacted by the National Council*, That John Candy be, and he is hereby allowed for his services in printing the laws of the Cherokee Nation, at the rates of four hundred

dollars per annum, in cash; and the Principal Chief is hereby authorized to issue warrants, qurterly, for the payment of the same.

*Be it further enacted*, That the sum of four hundred and seventy-one dollars and thirty cents is hereby appropriated in cash, out of any money in the National Treasury, not otherwise appropriated, for the following purposes, to wit: Two hundred and fifty four dollars and twenty six cents, for the purchase of paper for the completion of the printing of the laws of the Cherokee Nation, and for the use of the "Cherokee Advocate" Office. Also the sum of twenty nine dollars and fifty four cents for the payment of balance due on freight of paper &c., purchased for the Advocate Office last spring. Also the further sum of one hundred and eighty seven dollars and fifty cents to Mrs. Susan Taylor, for the board and sundry articles of clothing for the apprentices in the Office of the "Cherokee Advocate," from the 27th of October, 1849, to the 24th of October, 1850. The Principal Chief is hereby authorized to draw warrants for the payment of the same. The two first named in favor of David Carter, Editor, and the latter in favor of Mrs. Susan Taylor.

*Tahlequah, November 5th*, 1850.

Approved—JNO. ROSS.

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*An Act readmitting Matthew Thompson to the rights of Cherokee Citizenship.*

*Be it enacted by the National Council*, That Matthew Thompson be, and he is hereby privileged to return to the Cherokee Nation and reside, and is admitted to the enjoyment of the rights and privileges of citizenship of this Nation.

*Tahlequah, Nov. 6th*, 1850.

Approved—JNO. ROSS.

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*Be it enacted by the National Council*, That the sum of seven thousand dollars be, and the same is hereby appropriated out of any monies in the National Treasury belonging to the General School Fund, not otherwise appropriated, for the

purpose of defraying the expenses of the several schools of the Nation as provided for by law for the year 1851; and also the sum of three hundred dollars for the payment of the Superintendent of Public Schools, for his services for the year 1850.

*Be it further enacted*, That the sum of three thousand and six hundred dollars be, and the same is hereby appropriated out of any monies in the National Treasury belonging to the Orphan Fund, not otherwise appropriated, to be expended in support of the Orphans attending the Public Schools of the Nation for the year 1851. The Principal Chief is hereby authorized to issue warrants for the same.

*Tahlequah November 9th*, 1850.

Approved—JNO. ROSS.

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*Be it enacted by the National Council*. That the sum of twenty dollars and eighty three cents is hereby appropriated for the benefit of Mark Tyger, in cash, for a balance due for services in printing the laws of the Cherokee Nation. And the Principal Chief is hereby authorized to draw a warrant for the same.

*Tahlequah, November 18th*, 1850.

Approved—JNO. ROSS.

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*An Act to amend "An Act respecting Stray Property."*

*Be it enacted by the National Council*, That the act passed October 11th, 1841, entitled "An Act respecting stray property," be and the same is hereby amended so as to make it the duty of the District Judge, or Clerk, before whom such stray property may be proven by the owner thereof, to issue an order, directing the Sheriff of said District, or any other District, where such property may be found, to place the owner in possession of the same.

*Tahlequah, November, 18th*, 1850.

Approved—JNO. ROSS.

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*An Act to amend "An Act authorizing the translation of the Laws of the Cherokee Nation.*

*Be it enacted by the National Council*, That the Act authorizing the translation of the laws of the Cherokee Nation,

passed October 30th, 1848, be, and the same is hereby amended so that the said books shall be sold at three dollars per volume instead of one dollar. All laws militating against this act is hereby repealed.

*Tahlequah, November 18th, 1850.*

Approved—JNO. ROSS.

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*An Act authorizing the Sheriff of Illinois to sell certain Stray Cattle.*

*Be it enacted by the National Council,* That the Sheriff of Illinois District be, and he is hereby authorized to sell at public sale all the stray cattle without marks or brands which the citizens may collect and pen in the neighborhood of James Mackey's. The Sheriff shall, before selling, give thirty days notice thereof in the Cherokee Advocate.

*Be it further enacted,* That the Sheriff shall not be required to describe each animal the sale of which is provided for in this act; but shall merely state in his advertisement by way of description, a number of stray cattle, which will be penned in the neighbood of James Mackey's, under an act of Council. The Sheriff shall also notify all persons who may be interested, that he will commence penning the said cattle within ten days of the dayed sale; and also notify all such persons to come forward and examine the cattle; and should they recognize any as belonging to them, they shall be required to establish their right to the same by good and sufficient proof, and take them away, or otherwise after the sales, they shall forever be debarred from asserting or recovering any of the cattle thus sold.

*Be it further enacted,* That the proceeds of the sales of said cattle shall be for the benefit of the Cherokee Nation; and that the penning of said cattle, shall not be done at the expense of the Nation.

Any act militating against the provisions of this act to the contrary notwithstanding.

*Tahlequah, November 19th, 1850.*

JAMES KELL, *Pres't Nat. Com.*

Concurred—SIX KILLER, *Speaker Council.*

Approved—JNO. ROSS.

*An Act authorizing the taking of the census of the Eastern Cherokees.*

SEC. 1. *Be it enacted by the National Council*, That the Principal Chief be, and he is hereby authorized and required to appoint a suitable person or number of persons in each district, whose duty it shall be to take a speedy and accurate census of the Eastern Cherokee People; who shall, before entering upon the duties of their appointment, take an oath for the faithful performance of the duties assigned them by this act.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Census takers to take down the name of the head of each family who are of Cherokee blood—and also all composing such family, who are likewise of Cherokee blood.

SEC. 3. *Be it further enacted*, That the Cherokees who emigrated to this country subsequent to the treaty of 1835, and their descendants, who may be living at the taking of the census, provided for by this act, shall be entitled to an equal portion of the Per Capita money that has, or may be appropriated under the Treaties of 1835, and 1846 and no others.

SEC. 4. *Be it further enacted*, That when the Census takers shall have completed the taking of the census according to the provisions of this act, they shall be required to make a return of the same to the Principal Chief, who shall notify the Government of the United States of the same, and request of them through the proper channel, that the Per Capita money due the Eastern Cherokees under the Treaties of 1835 and 1846, be paid according to the census taken under this act.

SEC. 5. *Be it further enacted*, That the persons appointed to take the census under this act, shall each receive in cash, out of the National Treasury, the sum of three dollars per day for their services whilst so engaged.

*Tahlequah, 25th November*, 1850.

JAMES KELL, *Pres't N. Committee.*

Concurred—SIX KILLER, *Speaker N. Council.*

After a reconsideration in Committee, a vote was taken upon the passage of the Bill, which resulted in its passage by a constitutional majority, thirteen voting for its passage and one against it.

JAMES KELL, *Pres't N. Committee.*

In Council, after reconsideration, a vote was taken upon the passage of the Bill, and passed *unanimously*.

SIXKILLER, *Speaker N. Council.*

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*An Act admitting Coleman R. Robertson to Citizenship.*

*Be it enacted by the National Council*, That Coleman R. Robertson, late a citizen of the State of Arkansas, and married to a Cherokee female, be and he is hereby admitted to the rights of a citizen of the Cherokee Nation, so long as he may continue to reside therein.

*Tahlequah, 25th November*, 1850.

Approved—JNO. ROSS.

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*An Act authorizing the appointment of a Delegation.*

*Be it enacted by the National Council*, That there be nominated and appointed a Delegation, to consist of two persons, to proceed to Washington city, with full power to adjust with the Government of the United States, all unsettled business between them and the Cherokee Nation; who shall be allowed for their services, the sum of three dollars per day, during their absence, on business for the Nation.

*Be it further enacted*, That the sum of two thousand dollars, be, and the same is hereby appropriated, out of any money in the National Treasury, not otherwise appropriated, for the purpose of defraying the expense of said Delegation, and the Principal Chief be, and he is hereby authorized to draw a warrant for the same.

*Tahlequah, November 27th*, 1850.

Approved—JNO. ROSS.

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*An Act to remove a Precinct of Election in Saline District.*

*Be it enacted by the National Council*, That the precinct of elections heretofore established at the house of Charles

Coodey, in Saline District, be, and the same is hereby removed to Beaver Toater's Camp Gound in Saline District. Any act to the contrary notwithstanding.

*Tahlequah, November 28th, 1850.*

Approved—JNO. ROSS.

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*An Act to reduce the pay of the several Officers, and other persons therein named.*

*Be it enacted by the National Council,* That from and after the first Monday in October next, the salary and pay of the following officers, and persons in the employ of the Cherokee Nation, shall be as follows:—

The Principal Chief shall receive for his services four hundred dollars per annum.

The Assistant Chief, the sum of two hundred dollars per annum.

The National Treasurer, the sum of four hundred dollars per annum.

The Executive Counsellors, each two dollars per day.

The Judges of the Supreme Court, the sum of three dollars per day.

The Judges of the Circuit Court, each two hundred per annum.

The Judges of the District Courts, each, one hundred and twenty-five dollars per annum.

The Members of the National Committee and Council, two dollars per day.

The Clerks of the National Committee and Council, two dollars per day.

The Sheriffs, each, one hundred and fifty dollars per annum.

The Translator in the Cherokee Advocate Office, three hundred dollars per annum.

The Editor of the Cherokee Advocate, four hundred dollars per annum.

*Be it further enacted,* That from and after the passage of this act, the pay and salary of the following officers and persons in the employ of the Nation, shall be as fllows:—

The Clerk of the Supreme Court shall receive two dollars

per day for his services. The Clerks of the Circuit and District Courts, shall each receive two dollars per day, and twenty-five dollars per annum extra. Jurors, fifty cents per day; Guards fifty cents per day, and witnesses in criminal cases fifty cents per day.

The pay for boarding prisoners and guards, thirty-seven and a half cents per day for man and horse, and for man twenty-five cents without a horse. All of which shall be paid in cash, annually out of the National Treasury.

*Be it further enacted*, That from and after the first Monday in October next, the Solicitors of the several Districts in the Nation, shall be discontinued; and all laws or parts of laws, militating against the provisions of the foregoing act, are hereby repealed.

*Tahlequah, November 28th*, 1850.

JAMES KELL, *President Nat. Committee.*

In Council, (a quorum present,) concurred with the following amendment: Strike out the last clause, which relates to the discontinuance of the Solicitors of the several Districts in the Nation.

SIX KILLER, *Speaker Nat. Council.*

The Committee concurred in the foregoing amendment November 28th, 1850.

JAMES KELL, *President Nat. Committee.*

Approved—JNO. ROSS.

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*Be it enacted by the National Council*, That an additional Precinct be, and the same is hereby established, at Killer-two-for-tee's, on Canadian River, in Canadian District.

*Tahlequah November 28th*, 1850.

Approved—JNO. ROSS.

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*Be it enacted by the National Council*, That an Act passed October 28th, 1848, appointing Jesse Wolf, keeper of the public buildings at Tahlequah, is hereby repealed; and that Johnson Foreman be, and he is hereby appointed keeper of said public buildings—without any compensation for the same. He shall however, be accountable for any injury that any of the public buildings, or the fencing around the public square may sustain, while under his charge.

*Tahlequah, 29th November*, 1850.

Approved—JNO. ROSS.

*Be it enacted by the National Council*, That an additional precinct be, and the same is hereby established at the meeting house, near Killer Moore's, on Fourteen Mile Creek, in Tahlequah District.

*Tahlequah, November 29th*, 1850.

Approved—JNO. ROSS.

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*An Act making appropriation for the purchase of Books for the Public Schools.*

*Be it enacted by the National Council*, That the sum of three hundred dollars, be, and the same is hereby appropriated, out of any money in the Treasury belonging to the School fund, not otherwise appropriated, for the purchase of Books and Stationary, for the public Schools for the year 1851.

*Be it further enacted*, That the sum of thirty-four dollars and twenty-four cents, be, and is hereby appropriated out of any money in the Treasury belonging to the School fund, not otherwise appropriated, to pay balance due on account of purchase of, and freight on school books, bought under the appropriation of 1849; and the Principal Chief is hereby authorized to draw warrants in favor of the Superintendent of Public Schools, for the sums appropriated by this Act.

*Tahlequah, December 2d*, 1850.

Approved—JNO. ROSS.

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*Be it enacted by the National Council*, That the Principal Chief be, and he is hereby directed to retain the sum of fifteen dollars out of the amount appropriated, in favor of Geo. M. Lavender, in the Act making appropriations, for warrant claims, dated November 28th, 1850, the same being an error in favor of the said Lavender.

*Tahlequah, December 2d*, 1850.

Approved—JNO. ROSS.

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*Be it resolved by the National Council*, That it is expedient to send on to Washington city without delay, a special Delegate, whose duty it shall be to convey to the Commis-

sioners of Indian Affairs, the census roll of that portion of the Cherokees denominated Emigrants.

*Be it further resolved*, That said Delegate be, and he is hereby authorized to request, and urge the propriety of the payment of the *per capita*, due the Emigrants, at Tahlequah, through one of the United States disbursing Agents.

*Tahlequah, 15th, October 1851.*

Approved—JNO. ROSS.

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WHEREAS, the present system of corporeal punishment is contrary to the spirit of civilization; has not diminished crime in our country; is degrading to the spirit of freemen; and has been long since tried and abolished by the most civilized nations of the world:

AND WHEREAS, the system of imprisonment renders the escape of offenders against the law less liable to take place; will have a great tendency to deter from crime, and will afford a means to enable us to discriminate by law between the different degrees of manslaughter, and better to proportion the punishment in all cases to the degree of offence:

*Therefore be it enacted by the National Council*, That is expedient to erect a National Jail at our seat of Government.

*Be it further enacted*, That the National Treasurer and Jesse Wolf, be, and are hereby authorized to select the site and to contract with Messrs. Wm. Bennet and G. W. Hawes, who shall be required to give good bond for the faithful performance of their contract: which shall not exceed eighteen hundred and seventy-nine dollars, for the erection and completion before the first day of September, 1852, of a National Jail, of the following description—viz: Said Jail shall be built of stone, each of which shall not be less than two and a half feet in size, and have a foundation two feet deep: it shall be twenty-six feet wide, and forty-feet long; and have an upper story, with stairway leading to the same. The height from each floor to the ceiling shall be nine feet. The outer walls shall be two and a half feet thick up to the second floor, and from thence, they shall be two feet thick. At one end of the building, there shall be an iron door opening into a room, ten by fourteen feet, and having a grated window three feet square. Adjoining said room, there shall be another

room six and a half, by ten feet, having likewise a grated window three feet square. The door between these rooms, which are designed for the use of the Jailor, shall be of oak, and two inches thick. Leading from the largest of these rooms, there shall be an iron door, opening into a hall, six feet wide, and running through the entire centre of the building. On each side of the hall there shall be five apartments or cells, each four feet wide, and six and a half feet long, with a grated window one foot square, and a door made of two inch plank, with an opening in the same, ten inches square. All the partitions, on the first floor to be of brick, and one foot thick. The floors shall be laid with oak plank, two inches thick. The upper story shall be divided by partitions of oak plank two inches thick, into four equal sized rooms. Each of these rooms shall have a grated window one foot square, and a door of two inch oak plank, with an opening in the same ten inches square. The upper rooms shall be ceiled over head with oak plank two inches thick. Each door to have suitable locks. The building shall be covered with good shingles, showing one third to the air.

*Tahlequah, 20th October*, 1851.

Approved—JNO. ROSS.

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*An Act for the relief of Pike Fish and Cold Weather.*

*Be it enacted by the National Council*, That the claim of Pike Fish and Cold Weather, for services rendered the Nation, in pursuit of certain horse-thieves named in their claim, for seven dollars each, be, and the same is hereby allowed; and the Committee on Claims, are authorised to register the same, to be placed on the warrant appropriation bill.

*Tahlequah, October 21st*, 1851.

Approved—JNO. ROSS.

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*Be it enacted by the National Council*, That from and after the passage of this Act, it shall be the duty of the Superintendent of Public Schools to make his annual report to the Principal Chief one week previous to the session of the National Council.

*Be it further enacted*, That should said Superintendent fail in complying with the above Act, he shall be fined in the sum of twenty-five dollars, (unless rendering a reasonable excuse to the Council) for each and every such offence—to be deducted from his salary.

*Tahlequah October 21st*, 1851.

Approved—JNO. ROSS.

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*Resolutions directing the assemblage of the Cherokee People in Council.*

*Resolved by the National Council*, That the Principal Chief be, and he is hereby authorized and requested to issue his proclamation, inviting the whole Cherokee people, to assemble in General Council, at Tahlequah, at such time as he may deem expedient by him and the Council; after due notice having been given thereof, for the purpose of taking into consideration the importance of some measure for the payment of the National debt.

*Resolved further*, That when the people shall have assembled in Council, the Principal Chief present a statement to be presented to them of the amount of the Public Debt, and the amount revenue in the Treasury applicable to the payment of the same, and to recommend to the people the expediency and propriety of referring the subject to the trust of land known as the "Neutral Land," and the investment of the principal, and the appropriation of the interest to the payment of the National debt, until this shall have been done, and then to be applied as the National Council may direct.

*Resolved further*, That the Principal Chief is also hereby authorized and requested to make the necessary arrangements for the accommodation of the people who assemble in compliance of the foregoing resolution.

*Tahlequah, 23d October*, 1851.

Approved—JNO. ROSS.

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*An Act in relation to Election.*

*Be it enacted by the National Council*, That from and after the passage of this Act, it shall be the duty of the District Judge to appoint two, instead of one Clerk of elections, at

each precinct. And it shall be the duty of one of the Clerks to observe how each vote is recorded by the other Clerk, so that no mistake shall be made therein.

*Be it further enacted*, That it shall be the duty of the Superintendents and Clerks at each precinct of elections, to count all votes legally given, to state the amount which each candidate has received, and to sign the register or list of votes before leaving the room in which the election takes place.

*Be it further enacted*, That it shall be the duty of the Sheriff in each District, to convey to the Principal Chief, the election returns without delay.

*Be it further enacted*, That any Judge or Clerk of an election who shall fail in performing the requirements of the law as embraced in this Act, and the Acts passed November 4th, 1840, and January 14th, 1845, shall be fined in a sum not less than thirty dollars and cost of suit; and no property shall be exempt from sale to satisfy such fine and cost, and all such fines when collected, to be paid into the National Treasury.

*Be it further enacted*, That each Judge and Clerk of the elections, shall before they enter upon the discharge of their duties, take the following oath: "I do solemnly swear that I will conduct the elections, and perform the duties required of me, truly and impartially, according to the provisions of the Acts in relation to elections."

*Be it further enacted*, That so much of all previous acts, as militate against this act, be and are hereby repealed.

*Tahlequah, October 29th*, 1851.

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*Be it enacted by the National Council*, That that part of the laws passed October 30th, 1848, and 1849, which authorizes the printing of the laws of the Cherokee Nation, and of binding the English part of the same with that part of it translated into the Cherokee language, into one volume, be so amended as to separate the English from the Cherokee, and that they be bound separately.

*Be it further enacted*, That so much of said laws that may have already been printed, be delivered over to some suitable book-binder, by the Editor of the Cherokee Advocate, so that

they may be in a course of preparation for binding; and be ready when the last form is struck off to finish the same.

*Be it further enacted*, That the price of said books, when finished, shall be sold per volume, Cherokee and English, for one dollar and fifty cents, by the Editor of the Cherokee Advocate.

*Tahlequah, October 29th*, 1851.

Approved—JNO. ROSS.

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*Resolutions authorizing the improving and securing of the National Square.*

*Resolved by the National Council*, That R. D. Ross and Jay Hicks be appointed a Committee for the purpose of improving and securing the National Square, and they be authorized for the accomplishment of that purpose to contract with such responsible person as they may make choice of.

*Resolved further*, That said Committee shall contract for the following services (namely): To plant shade trees within the limits of the square, in such place, in such number, and of such kind as the Committee shall determine,—to sow blue grass over the ground comprehended within the square—to keep the square at all times throughout the year in a state of cleanliness—to exercise watch and supervision over the same; keeping both from unwarrantable intrusion, and at all times in readiness for national use.

*Resolved further*, That any person or persons, who shall, upon accusation of the keeper of the square be convicted of unwarrantable intrusion upon the grounds or buildings of the same to their injury, shall be fined in a sum of fifty dollars—one half of which shall be recovered for the benefit of the keeper, the other half for the National Treasury.

*Resolved further*, That the Nation shall be responsible for any sum not exceeding fifty dollars, which the Committee may engage for the faithful performance of the services mentioned in the foregoing resolutions.

*Tahlequah, October 30th*, 1851.

Approved—JNO. ROSS.

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*An amendment to an Act defining the duties of the Treasurer.*

*Be it enacted by the National Council*, That from and after the passage of this Act, the National Treasurer shall be

fined in the sum of twenty-five dollars (unless rendering a reasonable excuse to the Council) for each and every failure to render in his annual report during the first week of the session of the National Council, according to the act passed October 31st, 1850; and that the above fine shall be deducted from his salary.

*Tahlequah, October 23d, 1851.*

Approved—JNO. ROSS.

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*An Act to amend an act entitled "An Act to sell Stray Property for Present Payment.*

*Be it enacted by the National Council*, That the act passed October 4th, 1847, requiring the Sheriffs to sell stray property for present payment, be so modified and enlarged, that it shall be the additional duty of the Sheriff of each district to keep a correct account of the proceeds of each and every sale of stray property sold by him—what amount received, from whom, at what time, the description of the property sold, &c.; and that said account be annually rendered into the National Council in the form of a register at the same time required by law for the presentation of the registers of the Sheriffs.

*Be it further enacted*, That each sale of Stray property made by the Sheriff shall be by him reported to the District Judge, within ten days after the occurrence of the sale, and that the District Judge be required to record the same in a book kept by him for that purpose.

*Be it further enacted*, That in case any District Judge, or Sheriff, fails or refuses to comply with the requirements imposed by this act, he shall be fined in the sum of five dollars for each failure or omission. This act to take effect from and after the first of January, 1852.

*Tahlequah, November 1st, 1851.*

THOS. P. TAYLOR, *Pres't N. Cou.*

Concurred with the following amendment last section after the word 'omission;' and that the said fines be deducted from the salaries of the aforesaid Judges and Sheriffs for the benefit of the National Treasury; and also that it is made the duty of the District Judges to render their registers at the commencement of each session of the National Council.

LUNEY RILEY, *Speaker N. Council.*

Approved—JNO. ROSS.

*An Act to amend an Act Prohibiting the Introduction and Vending of Spirituous Liquors.*

*Be it enacted by the National Council*, That the second section of the act in relation to Spirituous Liquors, passed October 25th, 1841, be; and is hereby so amended as to read as follows: That any person or persons, who may be found guilty, before any of the courts of this Nation, of violating the above act, he she or they shall be fined in a sum not less than ten, nor more than five hundred dollars, at the discretion of the court; and no property shall be exempt from the payment of any fine thus imposed.

*Be it further enacted*, That one half of all fines collected under this act shall be paid into the National Treasury, one fourth to the informer and one fourth, to the Sheriff who reports the violation of this act.

*Be it further enacted*, That for the failure on the part of any Solicitor or Sheriff to comply with the duties herein required, the sum of $25 shall be deducted from the salary of such Solicitor or Sheriff so offending. This act to take effect from and after the adjournment of the present session of the Council.

*Tahlequah, November 4th*, 1850.

Approved—JNO. ROSS.

———o:o———

*An Act changing the name of Skin Bayou District.*

*Be it enacted by the National Council*, That the name of Skin Bayou District be, and the same is hereby changed, and that the said District shall be called from and after the passage of this act, *Se-quo-yah*; and so much of the act passed November 4th, 1849, as militates against this act be and the same is hereby repealed.

*Tahlequah, November 4th*, 1851.

Approved—JNO. ROSS.

———o:o———

*An Act appropriating three hundred and seventy eight dollars.*

*Be it enacted by the National Council*, That the sum of three hundred dollars be, and the same is hereby appropriated

out of any monies in the National Treasury, not otherwise appropriated belonging to the school fund, for the use and benefit of Walter S. Adair, the same being for his services as Superintendent of Schools for the year 1851.

*Be it further enacted*, That the sum of seventy eight dollars belonging to the School fund be, and the same is hereby appropriated out of the Treasury, the same being the amount due for books purchased by D. H. Ross, for the use of the Public Schools.

*Be it further enacted*, That the Principal Chief be, and he is hereby authorized to draw warrants for the above amounts in the name of W. S. Adair.

*Tahlequah, November 6th*, 1850.

Approved—JNO. ROSS.

———o:o———

*Be it Resolved by the National Council*, That the Sheriff of Tahlequah District be, and is hereby authorized and directed to appoint five suitable assistants, and if deemed necessary by him, five others, whose duty is hereby made to exert themselves in preserving order about the Council Ground during the session of the Council.

*Be it further Resolved*, That said assistants are hereby empowered and directed to search for, and to waste all whiskey, or other spirituous liquors that they may find within ten miles of Tahlequah; and also to arrest and confine, until they become sober, any drunken persons, or any others who may behave disorderly.

*Be it further Resolved*, That said assistants are further required to report to the District Solicitor all cases of gambling which may come within their notice.

*Be it further Resolved*, That said assistants are hereby particularly requested to be vigilant in attending to their duties during the general convention of the people on the 17th instant.

*Be it further Resolved*, That said assistants shall be paid out of the National Treasury, the same salary as is allowed for guarding.

*Tahlequah, Nov. 7th*, 1851.

THOS. F. TAYLOR, *Pres't Com.*

Approved—JNO. ROSS.

*Resolved by the National Committee*, That the Executive be, and they are hereby authorized and requested to purchase one dozen of common chairs, for the use of the Executive and Select Committee on claims, and also fire dogs, shovel and tongs for each of said departments; and that the Nation shall be responsible for the same, payable in cash on or before the expiration of the present session of the National Council.

*Tahlequah, 7th November*, 1851.

Approved—JNO. ROSS.

———o:o———

*An Act to provide an Office in the Town of Tahlequah for the Superintendent of Public Schools.*

*Be it enacted by the National Council*, That the Superintendent of Public Schools be, and he is required to keep his office in the building prepared for the Treasurer, in the town of Tahlequah, at which place he shall receive the reports of the Directors of the Public Schools, at the close of each session.

*Be it further enacted*, That the Superintendent is hereby authorized to have made a suitable book case with locks and keys in the building abovementioned, for the deposit and safekeeping of the books and papers belonging to his office, and also for the keeping of school books, stationary, &c. for the use of the Public Schools. The Principal Chief is hereby authorized to draw a warrant on the School Fund for the payment of the work upon the certificate of the Superintendent.

*Tahlequah, November 7th*, 1851.

Approved—JNO. ROSS.

———o:o———

*Resolved by the National Council*, That the Cooks who may be employed for that purpose during the general meeting of the Cherokee People, which is to take place at Tahlequah on the 17th inst. shall be paid for their services out of the National Treasury four dollars per day, including coming from and returning home.

*Be it further resolved*, That there be elected by the National Council, a suitable individual to act as commissary during said meeting, who shall be paid, for his services, one dollar and a half per day out of the Treasury.

*Tahlequah, November 11th*, 1851.

Approved—JNO. ROSS.

———o:o———

*An Act to provide ways and means for the payment of the National Debt.*

WHEREAS, the prosperity and fair fame of the Cherokee Nation demand the early payment of the outstanding debt which has so long repressed its energy and prospects, and

WHEREAS, the retrocession to the United States, of the eight hundred thousand acres of land commonly known or designated as the "Neutral Land" purchased under the treaty of 1835–'6, presents the earliest, most expeditious, and most advantageous method of accomplishing this great object; therefore,

*Be it enacted by the National Council*, That the National Council, do hereby recommend to their constituents, the retrocession of said land to the United States.

*Be it further enacted*, That in case this recommendation meets the approval of the Cherokee people and is perfected, the sum obtained therefor, shall be invested in safe and productive State or United States stock, and the interest thereon shall be collected and applied semi-annually to the payment of the National Debt now outstanding against the Cherokee Nation, in the order in which it has been incurred, till the whole of said debt shall be paid.

*Be it further enacted*, That when the existing National debt has been finally paid, the interest of said investment shall be applied annually as follows, to wit: One half to the support of education in the Cherokee Nation, and one-fourth of the balance shall be applied to the present orphan fund, and the remaining balance shall be subject to the disposal of the National Council.

*Be it further enacted*, That so soon as the foregoing act have been consented to and ratified by the Cherokee people in general Council Convened, the Principal Chief shall be authorized to appoint, by and with the advice and consent of the National Committee, a delegation of three persons who

shall be empowered to carry out the same by treaty with the Government of the United States.

*Be it further enacted*, That the Principal Chief do convene the Cherokee people in general Council at Tahlequah, the 20th day of November 1851, for the purpose of submitting to them the foregoing act for their consideration and action.

*Be it further enacted*, That the Principal Chief be, and he is hereby requested to co-operate with the National Council, in bringing before the people when assembled, the amount of the National debt, and the importance of providing means for the payment of the same. And also to make all necessary arrangements for the accommodation of the people while assembled in compliance of the foregoing act.

*Be it further enacted*, That the Delegation appointed under the provisions of this act, shall be instructed to urge upon the Government of the United States the propriety of locating some Indian tribe on the said land, (known as the neutral land,) in case of the retrocession of the same to the United States Government.

*Tahlequah, 5th November*, 1851.

THOS. F. TAYLOR, *Pres't Nat. Com.*

Concurred with the following amendment, to section 8th, 4th line, "say Monday November 17th, 1851."

LUNEY RILEY, *Speaker Council.*

Concurred—THOS. F. TAYLOR, *Pres't Nat. Com.*

Ratified by the people of the Cherokee Nation, in general Council assembled at Tahlequah November 19th, 1851.

JNO. ROSS.

JOHN F. BOOT, President,
JOHN SPEARS, Vice Do. of the Convention.

———o:o———

*Resolved by the National Council*, That the Commissary for the present meeting—H. D. Reese be, and he is hereby authorised to purchase fifty bushels of corn at the expense of the Nation, for the accommodation of the Cherokee people who are and may be in attendance at Tahlequah, and that he be required to issue half peck per night for each horse.

*Tahlequah, 18th November*, 1851.

Approved—JNO. ROSS.

## *An Act creating an Auditor of Accounts.*

*Be it enacted by the National Council,* That there shall be appointed by the Principal Chief by and with the consent of the National Committee, an officer to be styled the Auditor of Accounts, who shall hold his office for the term of two years, and be entitled to a compensation of one hundred and fifty dollars per annum.

*Be it further enacted,* That it shall be the duty of the Auditor of Accounts, to keep the office at the seat of Government of the Cherokee Nation, and receive and register all certificates provided for by law, for services rendered the Nation that may be presented for that purpose by the owners or holders thereof between the first day of August and the first day of October of each year, carefully mark across the face all those registered by him and those rejected by him, and report the same, both the register thereof under his certificate, to the Principal Chief on the first Monday in October of each year, to be laid before the National Committee for their examination and action.

*Be it further enacted,* That it shall be the duty of all officers authorised to issue certificates for services rendered the Nation, and who are now required to present certified registers of the same to the National Council to present the said registers under like requirements and penalties to said Auditor of Accounts on or before the 1st day of Aug. of each year.

*Be it further enacted,* That the National Council shall at its regular session, act upon the register and the certificates thus presented by the Auditor of Accounts, but upon no others except those that may be issued by the Executive and Judges of the Supreme Court, during the session of the National Council.

*Be it further enacted,* That an Act passed October 11th, 1849, requiring all certificates to be presented at the session of the National Council next convened after their date, to be so amended as to require them to be presented to the Auditor of Accounts, on or before the first of August and the first day of October following their date.

*Be it further enacted,* That the Auditor of Accounts, before entering upon the discharge of his duties, shall be required to take an oath for the faithful performance of the same.

*Tahlequah, November 19th,* 1851.

Approved—JNO. ROSS.

*An Act making an appropriation for the support of the public Schools for the year 1852.*

*Be it enacted by the National Council*, That the sum of seven thousand five hundred dollars be, and the same is hereby appropriated out of any money in the National Treasury belonging to the general School Fund, not otherwise appropriated, for the support of the several public Schools, the ensuing year, 1852.

*Be it further enacted*, That the sum of three thousand six hundred dollars, be, and the same is hereby appropriated out of any money in the National Treasury, belonging to the Orphan fund, not otherwise appropriated for the clothing and board of the several Orphans, who may be attending the public Schools as scholars, the ensuing year 1852.

*Tahlequah, November 25th*, 1851.

Approved—JNO. ROSS.

———o:o———

*An act increasing the Delegation.*

*Be it enacted by the National Council*, That the act authorizing the appointment of a Delegation to proceed to Washington city, be and the same is hereby so amended as to authorize the appointment of five instead of three persons.

*Tahlequah, 25th November*, 1851.

Approved—JNO. ROSS.

———o:o———

*An act to amend "An act authorizing the appointment of an Examining Board."*

*Be it enacted by the National Council*, That an act entitled "An act authorizing the appointment of an examining Board," be, and the same is hereby amended so as to require the said Board, previous to employment to exact of each candidate for the office of Teacher in any of the Public Schools, a declaration of his belief in the truth of the Christian religion and a credible certificate of good moral character, signed by at least three persons of his acquaintance.

*Be it further enacted*, That it shall not be lawful for the Superintendent of Public Schools, to employ any person as a Teacher who may have failed to maintain such good moral character while teaching.

*Tahlequah, 25th November*, 1851.

Approved—JNO. ROSS.

———o:o———

WHEREAS, the people of the Cherokee Nation in general Council assembled, at Tahlequah, on the 19th day of November, 1851, for the purpose of taking into consideration, the subject of providing means for the discharge of the Public Debt—having requested and instructed their representatives in National Council, to pass an act which shall provide that, from the sum to be distributed *Per Capita* among the late Emigrants five per cent shall be deducted and paid over into the Treasury of the Nation; and that out of that sum so deducted and paid over the proper authorities of the Nation, shall pay to Gen. Waddy Thompson and Mr. Arnold Harris, the amount that may be due them for their services as Attorneys under a contract with the authorized Delegation of the Nation in 1846; Therefore,

*Be it enacted by the National Council*, That the Principal Chief, the president of the National Committee, and Charles Landrum be, and they are hereby authorized and empowered to make a settlement with the said Waddy Thompson and Arnold Harris, under the contract referred to above; and after the balance due them has been ascertained, it shall be the duty of the Treasurer of the Nation to ask for and receive from the disbursing officer of the United States having charge of the said Per Capita money due the Emigrant Cherokees, west of the Mississippi, the amount so found due and to pay the same over to the above named Waddy Thompson and Arnold Harris, or their legally authorized Agents, upon warrants drawn therefore by the Principal Chief.

*Tahlequah, 26th November*, 1851.

Approved—JNO. ROSS.

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WHEREAS, it would be of great advantage to the claimants to have the Per Capita money paid at Tahlequah, it being the most central post of the Nation, and also affording the best

means of entertainment, and whereas, the people generally have expressed their desire to this effect. Be it resolved by the National Council, that the Principal Chief request the Superintendent or whoever may disburse the same, to disburse it at the Town of Tahlequah.

*Tahlequah, 26th November*, 1851.

Approved—JNO. ROSS.

——o:o——

*Resolved by the National Council*, That the Principal Chief, be, and is hereby authorised to fill any vacancy which may occur in the Committee appointed, (under the provisions of the law imposing a tax on the Emigrant per capita, passed November 27th, '51,) to ascertain the amount which may be due Gen. Waddy Thompson and Mr. Arnold Harris, by selecting some other member of the National Committee.

*Tahlequah, November 27th*, 1851.

Approved—JNO. ROSS.

——o:o——

*An Act for the benefit of Walter S. Adair and Thomas F. Taylor.*

*Be it enacted by the National Council*, That the sum of five hundred dollars each, be and the same is hereby allowed to Walter S. Adair and Thomas F. Taylor out of the National Treasury.

*Be it further enacted*, That the sum of one thousand dollars in cash be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the use and benefit of W. S. Adair and Thomas F. Taylor, (five hundred dollars each,) according to the provisions above, and that the Principal Chief be, and he is hereby authorised to draw his warrants for the same.

*Tahlequah, 27th November*, 1851.

Approved—JNO. ROSS.

——o:o——

*An Act increasing the Salary of Sheriffs.*

*Be it enacted by the National Council*, That from and after the passage of this Act, the salary of the Sheriffs of the

several Districts shall be two hundred dollars per annum each, payable in money, and the provision of any Act to the contrary is hereby repealed.

*Tahlequah, November 27th*, 1851.

Approved—JNO. ROSS.

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*Be it enacted by the National Council*, That permission be, and is hereby granted to the American Board of Missions to establish Mission Station north-west of Tahlequah, in the neighborhood of Miller Moore's, on Fourteen Mile Creek, in Tahlequah District, Cherokee Nation; for the purpose of carrying on their labors in the instruction and improvement of the Cherokee people.

*Tahlequah, November 27th*, 1851.

Approved—JNO. ROSS.

———oo———

*Be it enacted by the National Council*, That the sum of three hundred and sixty dollars be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purchase of paper and type, for the use of the office of the Cherokee Advocate, and the Principal Chief is hereby authorised to draw a warrant in favor of the Editor of the Cherokee Advocate for the same.

*Tahlequah, November 28th*, 1851.

Approved—JNO. ROSS.

———oo———

*An Act making appropriation for the Seminaries for the year* 1851–2.

*Be it enacted by the National Council*, That the following sums, or so much thereof as may be necessary, be and they are hereby appropriated out of any money in the Treasury belonging to the school fund, not otherwise appropriated, for the following named objects, to wit:

For Teachers' Salaries—two thousand eight hundred dollars;

For provisions and incedintals—Three thousand dollars.

For Bedding, Books, Stationary, &c.,—One thousand dollars.

*Be it further enacted*, that the Principal Chief be, and he is hereby authorized to draw Warrants for the same in accordance with the provisions of the act establishing the Cherokee Male and Female Seminaries, dated November 12th 1847.

*Tahlequah November 29th*, 1851.

Approved—JNO. ROSS.

———o:o———

*Be it enacted by the National Council*, That the Principal Chief be, and he is hereby authorized and requested to tender the use of the Court House to the Superintendent or disbursing officer, who may have charge of the Emigrant per capita, for the purpose of having the same disbursed at Tahlequah.

*Be it further enacted*, That in case the disbursement be made at Tahlequah, the Sheriff of Tahlequah District be, and he is hereby authorized to summon and bring into service such guard as may be necessary for the prosecution of order in the town of Tahlequah and vicinity, during the term of such disbursement.

*Tahlequah, November 29th*, 1851.

Approved—JNO. ROSS.

———o:o———

*An Act making appropriation to defray the Expenses of the Delegation, and fixing their Compensation.*

*Be it enacted by the National Council*, That the sum of five thousand dollars be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of the Delegation, appointed to go to Washington city.

*Be it further enacted*, That each Delegate shall be allowed a compensation of three dollars per day, while absent in the service of the Nation, and shall be required to keep a correct account of his necessary expenses.

*Be it further enacted*, That the Principal Chief be, and he is hereby authorized to fill any vacancy which may occur in the said Delegation.

*Tahlequah, December 1st*, 1851.

Approved—JNO. ROSS.

———o:o———

*An Act authorizing the enclosing of the Court House at Tahlequah.*

*Be it enacted by the National Council*, That the Treasurer be, and he is hereby authorized to have the lot on which the Court House at Tahlequah is located, enclosed by a rail-fence, corresponding with that which surrounds the public square: *Provided*, the same shall not cost more than one dollar per pannel.

*Tahlequah, December 1st*, 1851.

THOS. F. TAYLOR, *Pres't Com.*

Concurred with the following amendment: That there shall be two gates made to the said enclosure, one opposite each door of the Court House.

LUNEY RILEY, *Speaker Council.*

Concurred in the amendment.

T. TAYLOR, *Pres't Com.*

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WHEREAS, it has been deemed expedient and advisable, to send a Delegation to Washington city, to represent the Cherokee Nation, and,

WHEREAS, Jno. Ross Principal Chief, Joseph Vann, James Kell, Thomas Pegg, and Lewis Downing, have been duly and regularly appointed to compose said Delegation, Therefore,

*Be it enacted by the National Council*, That the before named Jno. Ross, Principal Chief, Joseph Vann, Jas. Kell, Thomas Pegg, and Lewis Downing, be and they are hereby duly authorized Delegates to proceed to Washington city, and are vested with full powers, to act for and in behalf of the Cherokee Nation, in prosecuting and adjusting by negotiation or otherwise all matters of interest that may be pending between the Cherokee Nation and United States.

*Be it further enacted*, that should any vacancy occur in the said Delegation, the Principal Chief be, and he is hereby empowered to fill the same by appointment.

*Tahlequah December* 1*st*. 1851.

Approved—JNO. ROSS.

# INDEX

TO THE

## LAWS ENACTED IN THE YEARS OF 1839 TO 1851.

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