

*Choctaw nation laws etc etc etc*

# ACTS AND RESOLUTIONS

OF THE

# GENERAL COUNCIL

OF THE



# CHOCTAW NATION,

FOR THE YEAR 1859.

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PUBLISHED BY AUTHORITY OF THE GENERAL COUNCIL.

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FORT SMITH, ARK.

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THE CHOCTAW NATION.

1860.

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## CERTIFICATE.



This is to certify that the following printed Acts and Resolutions, passed by the General Council of the Choctaw Nation, at the regular session held at Boggy Depot, October 1859, are just and true copies from the originals in the office of the National Secretary.

Given under my hand and seal of office, this 10th day of January, one thousand eight hundred and sixty.

JOSEPH R. HALL,  
*National Secretary.*

CHOCTAW NATION, January 10, 1860.

## P R E F A C E .



This volume contains all the Acts and Resolutions passed by the General Council, at the October Session, at Boggy Depot, 1859, together with the New Constitution.

This volume has been printed in the English language alone, under the direction of the Governor, on account of the urgent necessity there exists to place in the hands of the officers under the New Constitution the laws defining their several duties.

A comprehensive and accurate Index may be found on the last pages, with Notes explanatory of terms used in some of the laws.

CHOCTAW NATION, January 10, 1860.

CONSTITUTION  
OF THE  
**CHOCTAW NATION.**



WE, the representatives of the people inhabiting the Choctaw Nation, contained within the following limits, to-wit: Beginning at a point on the Arkansas river, one hundred paces east of old Fort Smith, where the western boundary line of the State of Arkansas crosses the said river, and running thence due South to Red River; thence up Red River to the point where the meridian of one hundred degrees west longitude crosses the same; thence north along said meridian to the main Canadian river; thence down said river to its junction with the Arkansas river; thence down said river to the place of beginning, EXCEPT the territory bounded as follows, to-wit: beginning on the north bank of Red River, at the mouth of Island Bayou, where it empties into Red River, about twenty-six miles on a straight line, below the mouth of False Washita; thence running a northwesterly course along the main channel of said Bayou, to the junction of the three prongs of said Bayou, nearest the dividing ridge between Washita and Low Blue rivers, as laid down on Capt. R. L. Hunter's map; thence northerly along the eastern prong of Island Bayou to its source; thence due north to the Canadian river; thence west along the main Canadian to the ninety-eighth degree of west longitude; thence south to Red River:

and thence down Red River to the beginning, *Provided, however,* if the line running due north from the eastern source of Island Bayou, to the main Canadian, shall not include Allen's or Wa-pa-nocha Academy within the Chickasaw district, then, an offset shall be made from said line, so as to leave said Academy two miles within the Chickasaw district, northwest and south from the lines of boundary; said boundaries being the limits of the Chickasaw Nation, assembled in convention at the town of Skullyville, on Monday the fifth day of January one thousand eight hundred and fifty-seven, in pursuance of an act of the General Council for that purpose, approved November the seventh, one thousand eight hundred and fifty-six; in order to secure to the citizens thereof the rights of life, liberty and property, do ordain and establish the following Constitution and form of government, and do mutually agree with each other to form ourselves into a free and independant Nation, not inconsistent with the constitution, treaties and laws of the United States, by the name of the Choctaw Nation.

## ARTICLE 1.

**DECLARATION OF RIGHTS.**—That the general, great and essential principles of liberty and free government may be recognized and established we declare:

**SECTION 1.** That all freemen, when they form a social compact, are equal in rights, and that no man or set of men are entitled to exclusive, seperate public emoluments of privileges from the community, but in consideration of public services.

**SEC. 2.** That all political power is inherent in the people, and all free governments are founded on their authority, and established for their benefit, and therefore, they have at all times an unalienable and indefeasible right to alter or abolish their form of government in such manner as they may think expedient.

**SEC. 3.** There shall be no establishment of religion by law. No preference shall ever be given by law to any religious sect, society, denomination or mode of worship. And no religious test shall ever be allowed as a qualification to any public trust under this Government.

**SEC. 4.** The printing press shall be free to every person, and no law shall ever be made to restrain the right thereof. The free communication of opinions is one of

the inviolable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty.

SEC. 5. That the people shall be secure in their persons, houses, papers and possessions, from unreasonable seizures and searches; and that no warrant to search any place, or seize any person or thing, shall issue without describing the place to be searched, and the person or thing to be seized, as nearly as may be, nor without probable cause supported by oath or affirmation. But in all cases where suspicion rests on any person, or persons, of conveying or secreting whiskey, or other intoxicating liquor, the same shall be liable to search or seizure as may be hereafter provided by law.

SEC. 6. That in all criminal prosecutions the accused hath a right to be heard by himself or counsel, or both, to demand the nature and cause of the accusation, to be confronted by the witnesses against him, to have a compulsory process for obtaining witnesses in his favor; and in all prosecutions by indictment or information, a speedy and public trial by an impartial jury of the county where the offence was committed, that he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, but by due course of law.

SEC. 7. No person shall be accused, arrested, or detained, except in cases as ascertained by law, and according to the form which the same has prescribed; and no person shall be punished but in virtue of a law established and promulgated prior to the offence and legally applied.

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 the consent of the General Council, and without just compensation being first made therefor.

SEC. 9. That all courts shall be open and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

SEC. 10. That no power of suspending laws shall be exercised, except by the General Council or its authority.

SEC. 11. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

SEC. 12. That all prisoners shall before conviction, be bailable by sufficient securities, except for capital offen-

ces, where the proof is evident or the presumption great, and the privilege of the writ of *habeas corpus* shall not be suspended, unless where in case of rebellion or invasion, the public safety may require it.

SEC. 13. That the General Council shall have power to pass general laws in regard to the collection of debts, fines, bonds, forfeitures, and court fees, and direct the manner of such collection.

SEC. 14. No conviction for any offence shall work corruption of blood or forfeiture of estate. The General Council shall pass no bill of attainder, retrospective law nor law impairing the obligation of contracts.

SEC. 15. No property qualification for eligibility to office, or for the right of suffrage, shall ever be required by law in this nation.

SEC. 16. That the citizens have a right in a peaceable manner, to assemble together for their common good, and to apply to those vested with the powers of Government for redress of grievances, or other proper purposes, by petition, address or remonstrance.

SEC. 17. Every citizen has a right to bear arms in defence of himself and of the nation.

SEC. 18. No standing army shall be kept up without the consent of the General Council; and the military shall in all cases, and at all times be in strict subordination to the civil power.

SEC. 19. That no hereditary emoluments, privileges, or honors shall ever be granted or conferred in the Nation.

SEC. 20. The right of trial by jury shall remain inviolate.

SEC. 21. No person shall be debarred from prosecuting or defending any civil cause for or against him or herself before any tribunal in this nation by him or herself, or counsel, or both.

SEC. 22. No person shall ever be appointed or elected to any office in this Nation for life, or during good behavior; but the tenure of all offices shall be for some limited period of time, if the person appointed or elected thereto so long behave well.

## CONCLUSION.

To guard against transgressions of the high powers herein delegated: WE DECLARE, That everything in this article is excepted out of the general powers of govern-

ment, and shall forever remain inviolate; and that all laws contrary thereto, or to the following provisions, shall be void.

## ARTICLE II.

### DISTRIBUTION OF POWER.

SEC. 1. The powers of the government of the Choctaw Nation shall be divided into three distinct departments and each of them confided to a separate body of magistracy, to wit: Those which are legislative to one, those which are judicial to another, and those which are executive to another.

SEC. 2. No person or collection of persons being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

## ARTICLE III.

### LEGISLATIVE DEPARTMENT.

SEC. 1. Every free male citizen of this Nation who shall have attained to the age of twenty-one years, and who shall have been a citizen of this nation six months, shall be deemed a qualified elector, and be entitled to vote in the county where he may actually reside, at least one month preceeding the election for each and every office made elective in this nation.

SEC. 2. Electors shall in all cases excepting those of treason, felony or breach of the peace, be privileged from arrest during their attendance on elections and going to and returning from the same.

SEC. 3. The legislative power of this Nation shall be vested in two distinct branches, the one to be styled "the Senate," the other "the House of Representatives," and both together, "the General Council of the Choctaw Nation," and the style of their laws shall be, "Be it enacted by the General Council of the Choctaw Nation."

SEC. 4. The members of the House of Representatives shall be chosen by the qualified electors, and shall serve for the term of two years from the day of the general election and no longer.

SEC. 5. All elections by the people shall be by ballot and shall be regulated by law.



SEC. 6. The representatives shall be chosen every two years on the first Wednesday in August.

SEC. 7. No person shall be a representative unless he be a citizen of this Nation and shall have been an inhabitant thereof six months next preceeding his election, and the last month thereof a resident of the county for which he shall be chosen, and shall have attained the age of twenty-one years.

SEC. 8. Elections for representatives for the several counties shall be held at the places of holding their respective courts, or in the several election districts into which the county may be divided. That when there are two or more counties adjoining which have residuums over and above the ratio then fixed by law, if such residuums, when added together, will amount to such ratio, in that case one representative shall be added to that county having the largest residuum.

SEC. 9. The General Council shall, at their first session and at periods of not less than every four nor more than eight years cause an enumeration to be made of all free inhabitants of this Nation, and the whole number of representatives shall, at the several periods of making such enumeration, be fixed by the Council and apportioned among the several counties, according to the number of free inhabitants in each, and shall not be less than seventeen nor more than thirty-five: *Provided, however,* That each county shall always be entitled to at least one representative.

SEC. 10. The whole number of Senators shall at the periods of making the enumeration beforementioned, be fixed by the General Council, and apportioned among the several districts to be established by law, according to the number of free inhabitants in each, and shall never be less than one-third nor more than one-half of the whole number of representatives.

SEC. 11. The senators shall be chosen by the qualified electors for four years, and on their being convened in consequence of the first election; they shall be divided by lot from their respective districts into two classes as near equal as can be. And the seats of the senators of the first class shall be vacated at the expiration of the second year.

SEC. 12. Such mode of classifying new additional senators shall be observed as will, as nearly as possible, preserve an equality of members in each class.

SEC. 13. When a senatorial district shall be composed

of two or more counties, it shall not be entirely separated by any county belonging to another district, and no county shall be divided in forming a district.

SEC. 14. No person shall be a senator unless he be a citizen of the Choctaw Nation and shall have been an inhabitant thereof for two years next preceeding his election, and the last year thereof a resident of the district for which he shall be chosen, and have attained the age of thirty years.

SEC. 15. The House of Representatives, when assembled, shall choose a speaker and its other officers, and the Senate shall choose a president and its officers, and each shall judge of the qualifications and elections of its own members, but a contested election shall be determined in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

SEC. 16. Each house may determine the rules of its own proceedings, punish members for disorderly behavior, and with the consent of two-thirds, expel a member, but not a second time for the same cause.

SEC. 17. Each house shall keep a journal of its proceedings and publish the same, and the yeas and nays of the members of either house, on any question, shall at the desire of any three members present, be entered on the journal.

SEC. 18. When vacancies happen in either house, the Governor, or the persons exercising the powers of the Governor, shall issue writs of election to fill such vacancies.

SEC. 19. Senators and Representatives shall, in all cases except of treason, felony, or breach of the peace, be privileged from arrest during the session of the General Council, and in going to and returning from the same, allowing one day for every twenty miles such member may reside from the place at which the General Council is convened.

SEC. 20. Each house may punish by imprisonment, during the session, any person not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings; provided such imprisonment shall not at any one time, exceed forty-eight hours.

Sec. 21. The doors of each house shall be opened, except on such occasions of great emergency as, in the opinion of the House may require secrecy.

Sec. 22. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Sec. 23. Bills may originate in either house and be amended, altered or rejected, by the other; but no bill shall have the force of a law, until on three several days, it be read in each house, and free discussion be allowed thereon, unless four-fifths of the house in which the bill shall be pending may deem it expedient to dispense with this rule; and every bill having passed both houses, shall be signed by the speaker and the president of their respective houses.

Sec. 24. All the bills for raising revenue shall originate in the House of Representatives; but the Senate may amend or reject them as other bills.

Sec. 25. Each member of the General Council shall receive from the public treasury a compensation for his services, which may be increased or diminished by law; but no increase of compensation shall take effect during the session at which such increase shall have been made.

Sec. 26. No Senator or Representative shall, during the term for which he shall have been elected, nor for one year thereafter, be appointed to any civil office of profit under this nation, which shall have been created, or the emoluments of which shall have been increased, during such term; except such offices as may be filled by elections by the people; and no member of either house of the General Council, after his election, and during the remainder of the term for which he is elected, be eligible to any office or place, the appointment to which may be made in whole or in part by either branch of the General Council.

Sec. 27. No person holding a lucrative office under this Nation shall be eligible to the General Council.

Sec. 28. No person who hath heretofore been, or hereafter may be a collector or holder of public moneys, shall have a seat in either house of the General Council, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable.

Sec. 29. The first election for Senators and Representatives shall be general throughout the nation and shall be held on the first Wednesday in August, 1857, and there-

after there shall be biennial elections for Senators to fill the places of those whose term of service may have expired.

SEC. 30. The first and all future sessions of the General Council shall be held in the town of Boggy Depot, until the Seat of Government shall be fixed by the General Council elsewhere. The sessions of the General Council shall commence on the first Monday in October each and every year, and shall be held annually, until biennial sessions shall be directed by law.

SEC. 31. The Governor, National Secretary, National Treasurer, National Auditor and National Attorney, shall reside at or near the Seat of Government.

## ARTICLE IV.

### JUDICIAL DEPARTMENT.

SEC. 1. The Judicial power of this Nation shall be vested in one Supreme Court, in Circuit courts, and Courts of Probate.

SEC. 2. The Supreme Court shall consist of the Judges of the Circuit Courts, a majority of whom shall constitute a quorum. The General Council shall divide the Nation into convenient circuits, and the qualified electors of each circuit shall elect one of said judges for the term of four years.

SEC. 3. The Supreme Court shall have no jurisdiction, but such as properly belongs to a court of errors and appeals.

SEC. 4. The counties at present comprising Mocsulitubbee District, shall compose the first judicial circuit, the counties comprising Apukshunbbee District shall compose the second judicial circuit, and the counties comprising Pushamataha District, to which shall be added the country lying between the ninety-eighth and the one-hundredth degree of west longitude, shall compose the third judicial circuit. The General Council may change their circuits, and add to their number when deemed expedient; *Provided*, such change do not take effect during the first term of office of the Judge.

SEC. 5. All vacancies that may occur in said court, from death, resignation, or removal, shall be filled by election, as aforesaid: *Provided, however*, That if the unexpired

term do not exceed one year, the vacancy shall be filled by executive appointment.

SEC. 6. No person shall be eligible to the office of Judge of the Supreme and Circuit Court, who shall not have attained, at the time of his election the age of thirty years.

SEC. 7. The Supreme Court shall be held twice in each year, at the seat of Government of the Nation.

SEC. 8. No Judge shall sit on the trial of any cause when the parties of either of them, shall be connected by affinity or consanguinity, or when he may be interested in the same, except by consent of the judge and of the parties; and whenever a quorum of said court are situated as aforesaid, the Governor of the Nation shall, in such case, especially commission two or more men, of law knowledge, for the determination thereof.

SEC. 9. The judges of said courts shall receive for their services a compensation to be fixed by law—which shall not be diminished during their continuance in office.

SEC. 10. The Circuit Court shall have original jurisdiction in all matters civil and criminal, within this Nation, but in civil cases only when the principal of the sum in controversy exceeds fifty dollars.

SEC. 11. A Circuit Court shall be held in each county of this Nation at least twice in each year; and the judges of said courts shall interchange circuits with each other in such manner as may be prescribed by law.

SEC. 12. The General Council shall give to the Circuit Court of each county equity jurisdiction, when the public good requires it; also in all cases of divorce and for the foreclosure of mortgages.

SEC. 13. The style of all process shall be "The Choctaw Nation;" and all prosecutions shall be carried on in the name and by the authority of "The Choctaw Nation," and shall conclude "against the peace and dignity of the same."

SEC. 14. A court of Probate shall be established in each county of this nation, with jurisdiction in all matters testamentary and of administration in orphan's business and the allotment of dower in cases of idocy and lunacy, and of persons "non compos mentis." The Judge of said court shall be elected by the qualified electors of the respective counties, for the term of two years.

SEC. 15. The clerk of the Supreme Court shall be appointed by said court, for the term of four years and the



clerks of the Circuit and Probate courts shall be elected by the qualified electors of the respective counties, and shall hold their offices for the term of two years.

SEC. 16. A competent number of Justices of the Peace and Constables shall be chosen in each county by the qualified electors thereof, by districts, who shall hold their offices for the term of two years. The jurisdiction of Justices of the Peace shall be limited to causes in which the principal of the amount of controversy shall not exceed fifty dollars. In all causes tried by a Justice of the Peace, the right of appeal shall be secured under such rules and regulations as shall be prescribed by law.

SEC. 17. Said Justices of the Peace shall constitute a Board of Police for each county, a majority of whom may transact business—which body shall have full jurisdiction over roads, highways, ferries and bridges, and all other matters of county police; and shall order all county elections to fill vacancies that may occur in the offices of their respective counties. The Judge of the Court of Probate shall be the President of the board of police, and the clerk of the court of Probate shall be the clerk of the same.

SEC. 18. The judges of all the courts of this Nation, also the justices of the Peace shall, in virtue of their offices, be conservators of the peace, and shall be, by law, vested with ample powers in this respect.

SEC. 19. There shall be a National Attorney elected by the qualified electors of the Nation; and a competent number of district attorneys shall be elected by the qualified electors of their respective districts, whose compensations and term of service shall be prescribed by law.

SEC. 20. The General Council shall provide by law for determining contested elections of judges of the Supreme and Circuit Courts, of the Probate courts, and other officers.

SEC. 21. The judges of the several courts of this Nation, for wilful neglect of duty or other reasonable causes, shall be removed by the Governor on the address of two-thirds of both houses of the General Council; the address to be by joint vote of both houses. The cause or causes for which such removal shall be required shall be stated at length in such address and on the journal of each house. The judge so intended to be removed shall be notified and admitted to a hearing in his own defence, before any vote on such address shall pass. The vote

on such address shall be taken by yeas and nays, and entered on the journal of each house.

SEC. 22. Judges of Probate, clerks, sheriffs, and other county officers for wilful neglect of duty, or misdemeanor in office, shall be liable to trial by jury, and upon conviction shall be removed from office.

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

SEC. 1. The chief executive power of the Choctaw Nation shall be vested in a Governor, who shall hold his office for two years from the time of his installation.

SEC. 2. The Governor shall be elected by the qualified electors of the Nation. The returns of every election for Governor shall be sealed up and transmitted to the National Secretary, who shall deliver them to the Speaker of the House of Representatives at the next ensuing session of the General Council; during the first week of which session the said speaker shall open and publish them in the presence of both houses of the General Council. The person having the highest number of votes shall be Governor; but if two or more shall be equal, or highest in votes, then one of them shall be chosen Governor by the joint ballot of both houses of the General Council. Contested elections for Governor shall be determined by both houses of the General Council in such manner as shall be prescribed by law.

SEC. 3. The Governor shall be at least thirty years of age, a free and acknowledged citizen of the Choctaw Nation—shall have resided in the Nation at least five years next preceeding the day of his election, and shall not be capable of holding the office more than four years in any term of six years.

SEC. 4. He shall at stated periods receive a compensation for his services, which shall not be increased or diminished during the term for which he shall have been elected.

SEC. 5. He shall be the commander-in-chief of the militia and other forces of the Nation.

SEC. 6. He may on extraordinary occasions, convene the General Council at the seat of Government, or at a different place, if that shall have become since their adjournment dangerous from an enemy or from disease, and in case of disagreement between the two houses with

respect to adjournment, he may adjourn them to such a time as he shall think proper, not beyond the day of the next stated meeting of the General Council.

SEC. 7. 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 shall deem expedient.

SEC. 8. He shall take care that the laws be faithfully executed.

SEC. 9. In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant reprieves and pardons, and remit fines, and in cases of forfeiture to stay the collection until the end of the next session of the General Council, and to remit forfeitures, by and with the advice and consent of the Senate. In case of treason he shall have power to grant reprieves, by and with the advice and consent of the Senate; but may respite the sentence until the end of the next session of the General Council.

SEC. 10. All commissions shall be in the name and by the authority of the Choctaw Nation, be sealed with the great seal, and signed by the Governor, and be attested by the National Secretary.

SEC. 11. There shall be a seal of this Nation, which shall be kept by the Governor, and used by him officially, and shall be called the great seal of the Choctaw Nation.

SEC. 12. All vacancies not provided for in this Constitution shall be filled in such manner as the General Council may prescribe.

SEC. 13. The General Council shall have power, by law, to determine the compensation of the Governor and National Secretary.

SEC. 14. No person shall hold the office of Governor, and any other office or commission, either in this Nation, or under any State, or in the United States, or under any other power at one and the same time.

SEC. 15. The National Secretary shall be elected by the qualified electors of the Nation, and continue in office during the term of two years. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall when required, lay the same, and all papers, minutes and vouchers relative thereto, before the General Council, and shall perform such other duties as may be required of him by law.

SEC. 16. Every bill which shall have passed both houses



of the General Council shall be presented to the Governor; if he approve he shall sign it, but if not he shall return it, with his objections, to the house in which it shall have originated, which shall enter the objections at large upon their journals, and proceed to consider it; if, after such re-consideration, two-thirds of the house shall agree to pass the bill, it shall be sent with the objections to the other house, by which it shall likewise be re-considered; if approved by two-thirds of that house it shall become a law, but in such case the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill be entered on the journals of each house respectively; if any bill shall not be returned by the Governor within four days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he signed it, unless the General Council, by their adjournment, prevent its return, in which case it shall not become a law.

SEC. 17. Every order, resolution or vote, to which the concurrence of both houses may be necessary, except resolutions for the purpose of obtaining the joint action of both houses, and on questions of adjournment, shall be presented to the Governor, and before it shall take effect be approved by him, or being disapproved, shall be re-passed by both houses, according to the rules and limitations prescribed in case of a bill.

SEC. 18. Whenever the office of Governor shall become vacant by death, resignation, removal from office or otherwise, the President of the Senate shall exercise the office of Governor until another Governor shall be duly qualified, and in case of the death, resignation, removal from office, or other disqualification of the President of the Senate so exercising the office of Governor, the Speaker of the House of Representatives shall exercise the office, until the President of the Senate shall have been chosen, and when the office of Governor, President of the Senate and Speaker of the House, shall become vacant in the recess of the Senate, the person acting as National Secretary, for the time being, shall by Proclamation, convene the Senate, that a President may be chosen to exercise the office of Governor; said National Secretary exercising the office of Governor until the Senate convene and choose a President.

SEC. 19. When either the President or Speaker of the

House of Representatives shall so exercise said office, he shall receive the compensation of Governor only, and his duties as President or Speaker shall be suspended, and the Senate or House of Representatives, as the case may be, shall fill the vacancy until his duties as Governor shall cease.

SEC. 20. A National Treasurer, and National Auditor, shall be elected by the qualified electors of the Nation and hold their office for the term of two years unless sooner removed.

SEC. 21. A Sheriff, a Coroner, a Treasurer, and Ranger, shall be elected in each county, by the qualified electors thereof, who shall hold their offices for two years unless sooner removed.

#### MILITIA.

SEC. 1. The General Council shall provide by law, for organizing and disciplining the militia of this nation, in such manner as they deem expedient, not incompatible with the constitution and laws of the United States, in relation thereto.

SEC. 2. Commissioned officers of the Militia (staff officers and the officers of voluntary companies excepted) shall be elected by the persons liable to perform military duty and the qualified electors within their respective commands and shall be commissioned by the Governor.

SEC. 3. The Governor shall have power to call forth the militia to execute the laws of the Nation and to suppress insurrection.

### ARTICLE VI.

#### IMPEACHMENTS.

SEC. 1. The House of Representatives shall have the sole power of impeaching.

SEC. 2. All impeachments shall be tried by the Senate. When sitting for that purpose the Senators shall be on oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 3. The Governor and all civil officers shall be liable to impeachment for any misdemeanor in office; but judgement in such cases shall extend further than removal from office and disqualification to hold any office of

honor, trust, or profit, under the Nation; but the party convicted, shall, nevertheless, be liable and subject to indictment, trial and punishment according to law, as in other cases.

## ARTICLE VII.

### GENERAL PROVISIONS.

SEC. 1. Members of the General Council and officers executive and judicial, before they enter upon the duties of their respective offices, shall take the following oath or affirmation, to-wit: "I solemnly swear (or affirm as the case may be,) that I will support the Constitution of the Choctaw Nation, so long as I continue a citizen thereof; and that I will faithfully discharge to the best of my abilities, the duties of the office of \_\_\_\_\_, according to law. So help me God."

SEC. 2. Treason against the Nation shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

SEC. 3. Every person shall be disqualified from holding an office or place of honor or profit under the authority of this nation, who shall be convicted of having given or offered any bribe to procure his election. Laws shall be made to exclude from office and from suffrage those who shall hereafter be convicted of bribing, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections and prohibiting under adequate penalties, all undue influence therein, from power, bribery, tumult or other improper conduct.

SEC. 4. No person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of this Nation, nor be allowed to testify on oath, in any court of justice.

SEC. 5. No laws of a General nature, unless otherwise provided for, shall be enforced, until sixty days after the passage thereof.

SEC. 6. No money shall be drawn from the Treasury but in consequence of an appropriation made by law.— No money from the Treasury shall be appropriated to objects of internal improvement, unless a bill for that pur-

pose shall be approved by two thirds of both branches of the General Council; and a regular statement and account of the receipts and expenditures of public monies shall be published annually.

SEC. 7. No law shall ever be passed to raise a loan of money upon the credit of this Nation, or to pledge the faith of the Nation for the payment or redemption of any loan or debt, unless such law be proposed in the Senate or House of Representatives, and be agreed to by a majority of the members of each House, and entered on their journals, with the yeas and nays taken thereon, and be referred to the next succeeding General Council—and published throughout the Nation, for three months previous to the next regular election; and unless a majority of each branch of the General Council, so elected, after such publicity, shall agree to, and pass such law; and in such case the yeas and nays shall be taken and entered on the journals of each House.

SEC. 8. The General Council shall direct by law, in what manner, and in what courts, suits may be brought against the Nation.

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. Divorces from the bonds of matrimony shall not be granted, but in cases provided for by law.

SEC. 11. Returns of elections shall be made to the National Secretary, in such manner as may be prescribed by law.

SEC. 12. New counties may be established by the General Council, so that the territory thereof shall not be separated by any other county already formed.

#### SLAVES.

SEC. 1. The General Council shall have no power to pass laws for the emancipation of slaves, without the consent of their owners, unless where the slave shall have rendered to the Nation some distinguished service—in which case the owner shall be paid a full equivalent for the slave so emancipated. They shall have no power to prevent emigrants to this Nation from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the

same age or description shall be continued in slavery by the laws of this Nation ; *Provided*, That such person or slave be the *bona fide* property of such emigrants ; *and provided, also*, That laws may be passed to prohibit the introduction into this Nation, of slaves who may have committed high crimes in any of the United States. They shall have power to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a public charge.— They shall have full power to oblige the owners of slaves to treat them with humanity—to provide for them necessary clothing and provision, to abstain from all injuries to them extending to life or limb, and in case of their neglect or refusal to comply with the direction of such laws, to have such slave or slaves sold for the benefit of the owner or owners.

SEC. 2. The General Council shall have, and are hereby vested with power to pass such laws, regulating or prohibiting the introduction of slaves into the Nation, as may be deemed proper and expedient.

SEC. 3. In the prosecution of slaves for crimes of which the punishment is not capital, summary proceedings shall be had as may be regulated by law.

#### MODE OF REVISING THE CONSTITUTION.

Whenever two-thirds of each branch of the General Council shall deem any change alteration or amendment, necessary to this Constitution—such proposed change, alteration or amendment, shall be read and passed by a majority of two-thirds of each House respectively on each day, for three several days—public notice thereof shall then be given by the National Secretary at least six months preceding the next General election, at which the qualified electors shall vote directly for or against such change, alteration, or amendment. And if it shall appear that a majority of the qualified electors voting for members of the General Council, shall have voted for the proposed change, alteration or amendment, then it shall be inserted by the next succeeding General Council, as a part of this Constitution, and not otherwise.

#### SCHEDULE.

SEC. 1. All matters now pending in the several Courts of this Nation, may be transferred to such court as may have proper jurisdiction thereof, under this Constitution.



SEC. 2. The Chiefs and all officers now holding office, under the authority of this Nation, shall continue to hold and exercise their respective offices, until they shall be superseded pursuant to the provisions of this Constitution, and until their successors be duly qualified.

SEC. 3. All laws now in force in this Nation, not repugnant to this Constitution, shall continue to operate until they shall expire by their own limitation, or be altered or repealed by the General Council.

SEC. 4. After the adoption of this Constitution, and three months before the day of holding the election, the President of this Convention shall give written notice to the Judge of the county court of each county in the Nation; directing an election to be held on the first Wednesday in August next for a Governor and all other officers, national and county, provided for in this Constitution, which election shall be conducted in the manner prescribed by the existing election laws; and as the enumeration required by the Constitution, for the apportionment of members of the General Council, will be impracticable, before the first assemblage of that body—the same number of members of both branches now allowed by law, shall continue for the first two years.

SEC. 5. The returns for the elections above directed, shall be sent sealed, to the President of this convention, who shall open and publish the same, giving certificates to those whom the returns show to be chosen for the various offices. The returns for Governor, shall be transmitted as the constitution directs.

SEC. 6. Any special appointments or contracts made by the Chiefs, under existing laws, shall be approved by the Governor of the Nation, and the appointees commissioned, and contracts so made, ratified by him.

SKULLYVILLE, C. N., January 1857.

TANDY WALKER, President of the Convention.

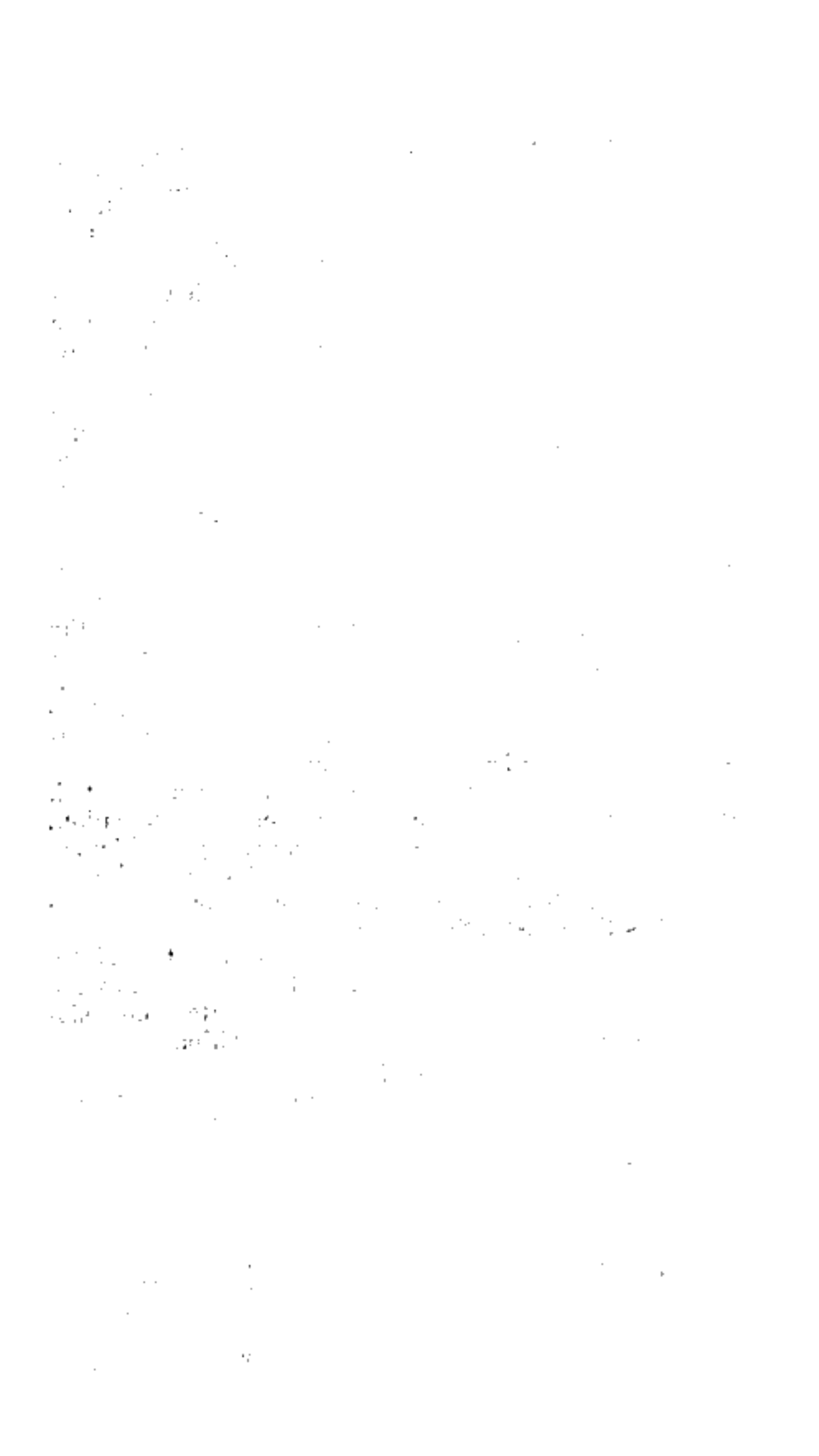
S. S. FISHER,  
WM. B. PITCHLYNN,  
S. P. WILLIS, } Clerks.

**Delegates of the Convention.**

ROBT. KINCAID,  
E. W. FOLSOM,  
KENNEDY McCURTAIN,  
WM. CASS,  
MISMAMAH TUBBER,  
McKEE KING,  
JAS. THOMPSON,  
JOHN PAGE,

JAS. GARLAND,  
MITCHELL LEFLORE,  
WM. JAMES,  
JOHN LEWIS,  
L. D. GARLAND,  
BUSHPO TUPPAH,  
COLEMAN COLE,  
SWINNEY FRAZIER,

ALFRED WADE,  
WM. ROEBUCK,  
J. E. DWIGHT,  
DANIEL FOLSOM,  
JACOB FOLSOM,  
JOHN McINTOSH,  
WM. K. STUART,  
FRANCUA BATTIST,



ACTS AND RESOLUTIONS

PASSED AT

BOGGY DEPOT,

OCTOBER SESSION, 1859.

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**Resolutions requesting the Governor to obtain information respecting individual claims, assumed by the Nation, under Treaty of June 22d, 1855.**

*Resolved by the General Council of the Choctaw Nation,* That the Governor be requested, to forthwith address the Commissioner of Indian Affairs, at Washington City, asking him to transmit to the United States Agent, for this Nation; copies of all the names of individual claimants, under any former treaty, with the accompanying evidences of such claims, in order to enable the proper authorities of this Nation, to carry out the provisions of the 12th Articles of the Treaty, of 22d June, 1855, between the United States, the Choctaw and Chickasaw Nations.

*Resolved further,* That this resolution take effect from and after its passage.

Approved, October 13th, 1859,

BASIL. L. LEFLORE,  
Governor Choctaw Nation.



**An Act relating to the claim of J. R. Witt, against Lemuel Runnels, of the Chickasaw Nation.**

*Be it Resolved by the General Council of the Choctaw Nation; That, whereas, J. R. Witt, a citizen of this Nation, has made complaint to the General Council alleging that one Lemuel Runnels, now a citizen of the Chickasaw Nation, did, in the year 1856, take and carry away from the premises of said complainant, his property, amounting in the aggregate to about six hundred dollars.*

*Be it therefore Resolved by the General Council, That the Governor be, and he is hereby required to demand, through the Chickasaw authorities, the restitution of said property, to the said J. R. Witt, or the amount specified above in money of the said Lemuel Runnels.*

Approved, October 14th, 1859,

BASIL L. LEFLORE,  
Governor Choctaw Nation.

**Appropriation to John Martin, J. P.**

*Be it enacted by the General Council of the Choctaw Nation assembled, That the sum of ten dollars and forty cents, be and is hereby appropriated, to pay John Martin for services rendered as Justice of the Peace, in Towson county, and the National Auditor is hereby required to issue his warrant upon the Treasury for the same.*

Approved, October 15th, 1859,

BASIL L. LEFLORE,  
Governor Choctaw Nation.

**Appropriation to Theodore Watkins.**

*Resolved by the General Council of the Choctaw Nation, That the sum of sixteen dollars be allowed Theodore*

Watkins, for eight day's use of his house for the session of the Supreme Court at the terms of April and October, 1859, out of the National Treasury, and the National Auditor is hereby directed to issue his warrant therefor.

Approved, October 15th, 1859,

BASIL L. LEFLORE,  
Governor Choctaw Nation.

**An Act relative to White men living in the Nation  
without License.**

*Be it enacted by the General Council of the Choctaw Nation assembled,* That it shall be the special duty of the Sheriff in each county of this Nation, to give prompt and immediate notice to the Governor of this Nation, of all white men, who are residing, or who may reside within the respective limits of their counties, without a license or permit from the proper authorities of this nation.

*Be it further enacted,* That the Governor of this Nation is hereby authorized, and directed to take the necessary steps to cause the removal of all such persons as may be residing here without any license, or permit.

Approved, October 17th, 1859,

BASIL L. LEFLORE,  
Governor Choctaw Nation.

**An Act to give Eagle county an Additional Representative in the Lower House.**

*Be it enacted by the General Council of the Choctaw Nation,* That in addition to the apportionment made by an act entitled an act to apportion the representatives of the several counties of this Nation in the General Council, approved, 27th October, A. D. 1858, That Eagle County be entitled to one additional Representative in the lower

House of the General Council of the Nation. That this act be in force from and after its approval.

Approved, October 19th, 1859,

BASIL L. LEFLORE.

Governor Choctaw Nation.

**An Act to employ Joseph Dukes to translate the Laws into the Choctaw Language, passed at the October Session, 1859.**

*Be it enacted by the General Council of the Choctaw Nation,* That the Governor of the Choctaw Nation, be and is hereby empowered, and authorized to employ Joseph Dukes to translate into the Choctaw language, as soon as practicable, each and every act and Resolution passed at the present session of the General Council, and to furnish three distinct copies of such translation to the Governor.

*Be it further enacted,* That the Governor shall cause one copy of such translations to be furnished each of the Circuit Judges of the Choctaw Nation

*Be it further enacted,* That for the service of such translations, said Joseph Dukes shall receive pay equivalent to the pay he may receive as a member of this present General Council, and that the National Auditor, shall issue his warrant on the Treasurer, for that amount, on the certificate of the Governor, that such service has been performed.

*Be it further enacted,* That this act be in force from and after its passage.

Approved, October 19th, 1859,

BASIL L. LEFLORE.

Governor Choctaw Nation.

**An Act making appropriations for the Widow  
and Child of D. W. Lewis, deceased.**

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Your committee to whom was referred a memorial from Mrs. Nancy Lewis, wife of the late Rev. D. W. Lewis, for services rendered, as one of the delegates to Washington City, to attend to unsettled business with the United States Government, and your committee had the same under consideration, and make their report.

It is the opinion of your committee, that Nancy Lewis, and her child, are entitled to per centage upon the money paid the Nation by the United States Government, for the relinquishment of all the claims to any Territory west of one hundred degrees of West Longitude. *Therefore,* your committee would respectfully recommend, that Mrs. Nancy Lewis, and her child, shall be allowed one-fourth of the per centage allowed the delegation, in obtaining the money for the relinquishment of the Territory aforesaid; and your committee further recommend that a sum of \$4,000, be appropriated out of any money belonging to the Nation, in order to make her claim equal with the rest of the delegation.

*Be it enacted by the General Council of the Choctaw Nation, assembled,* That the sum of \$4,000, be and is hereby appropriated out of any money belonging to the Nation, to pay Nancy Lewis, and her child for the services of the late D. W. Lewis, as delegate to Washington, and that the National Auditor, is hereby required to issue his warrant upon the Treasurer in her favor for the same amount.

*Be it further enacted,* That Mrs. Nancy Lewis and her child shall be entitled to one-fourth of the per centage, allowed the delegation for obtaining the payment for the Territory claimed by the Nation, beyond West of one hundred degrees of Longitude.

Approved, October 20th, 1859,

BASIL L. LEFLORE,  
Governor Choctaw Nation.

**An Act entitled an Act, granting to Campbell Leflore the right of way and privilege of erecting a Telegraph Line through this Nation.**

**SECTION 1.** *Be it enacted by the General Council of the Choctaw Nation,* That the right of way, and the privilege is hereby granted Campbell Leflore, to establish, and erect, a telegraph line through the Nation, commencing at the eastern boundary of the Nation, near Fort Smith, and running West in the direction of Sherman, in the State of Texas, to the western boundary of the Nation, with all the rights, privileges, and immunities necessary and proper for the successful erection, completion, and operation of said line; and further, the privilege of having a telegraph office at the Capitol of the Nation, if practicable.

**SECTION 2.** *Be it further enacted,* That the above specified privileges are hereby granted and conferred upon the said Campbell Leflore, his heirs, and assignees, exclusively for the term of fifteen years, from and after the passage of this act.

Approved, October 20th, 1859,

BASIL L. LEFLORE,  
Governor Choctaw Nation.

**An Act Appropriating \$6,000 to pay the expense of the delegation to Washington.**

*Be it enacted by the General Council of the Choctaw Nation,* That the sum of six thousand dollars, viz. Two thousand dollars to P. P. Pitchlynn, two thousand dollars to Israel Folsom, and two thousand dollars to Samuel Garland, be set apart, and appropriated out of any money in the National Treasury, not otherwise appropriated; in order that they may be enabled to proceed to Washington City to effect the appropriation necessary to com-

plete the settlement as designed by the resolution of the Senate of the United States, passed 9th of March, 1859.

*And be it further enacted,* That the National Auditor is hereby required to issue his warrant on the National Treasury for the same.

Approved, October 20th, 1859,

BASIL L. LEFLORE,

Governor Choctaw Nation.

**An Act appropriating Two thousand dollars for Nancy Lewis and child.**

*Be it enacted by the General Council of the Choctaw Nation assembled,* That the sum of two thousand dollars be, and is hereby appropriated out of any money, not otherwise appropriated, to pay Nancy Lewis and her child, the heirs of late D. W. Lewis for services rendered as delegate to Washington City, and that the National Auditor is required to issue his warrant upon the Treasury for the same.

Approved, October 20th, 1859,

BASIL L. LEFLORE,

Governor Choctaw Nation.

**An act entitled an act, defining the duties and powers of the Commissioners, the Jurisdiction of the Court of Claims, fixing their pay and for other purposes.**

Sec. 1. *Be it enacted by the General Council of the Choctaw Nation,* That WHEREAS, the Senate of the United States has awarded to the Choctaws the nett proceeds of the land ceded by them to the United States by the treaty of Dan-

cing Rabbit Creek, Sept. A. D. 1830, deducting therefrom the proper expenditures for surveying, selling, &c.

SEC. 2. *Be it further enacted*, That whereas, the Choctaws, by the 12th article of the treaty of June, 22nd, 1855, accepted the same in full satisfaction of National and individual claims, thereby becoming liable, and assuming, the payment of individual claimants.

SEC. 3. *Be it further enacted*, That the three Commissioners now appointed under 6th section of the constitution, and two others to be appointed by the Governor, who, after being commissioned and qualified according to law, shall be, and the same are hereby constituted a Court of Claims, who before entering upon the duties of their office, shall take the oath of office prescribed in the constitution, which oath may be administered by the Governor, or Judge of any Court of Record, or by a justice of the Peace.

SEC. 4. *Be it further enacted*, That the Court of Claims shall have jurisdiction over all claims for self emigration, all claims under the 14th and 19th articles of the treaty of Sept. 1830, and also, claimants under the supplement, claims for lost property in emigrating to this Nation during the years 1831, 2, and 3, and for property scheduled to the General Government Agents.

SEC. 5. *Be it further enacted*, That all claims against the Nation, shall be brought within 18 months from and after the passage of this act, and not thereafter. Claimants shall have the right to appear before said Court of Claims in proper person, or by attorney; *provided*, that none shall be attorneys except those legally qualified to practice before the courts of this Nation—being citizens thereof.

SEC. 6. *Be it further enacted*, That said Court of Claims, shall, as well as claimants, have the power to summon any person or persons as witnesses on the part of the Nation, and in case the personal attendance of the summoned cannot be had, depositions may be taken by either party before any Judge, Justice of the Peace, or other officer legally qualified to administer an oath,—sufficient notice being given to the adverse party of the time and place of taking the same.

SEC. 7. *Be it further enacted*, That the court of claims shall chose from among themselves the presiding commissioner, who shall be styled the Chief Commissioner, and enter the same on the minutes of the Court, and said



Chief Commissioner shall have power to sign the minutes and certify any matter of fact of record in said court.

SEC. 8. *Be it further enacted*, That the Court of Claims shall have power to appoint a clerk by and with the advice of the Governor, to hold his office as long as business may require, but may be removed for any good and sufficient cause from office. Said clerk shall take the oath of office prescribed in the constitution before any judge of a court of record, or Justice of the Peace, and shall be allowed for his services three dollars per day, payable quarterly out of the National Treasury, by certified certificate from under the hand and seal of the Chief Commissioner of the court.

SEC. 9. *Be it further enacted*, That for preventing errors in entering upon the judgement, or orders of said Court, the minutes of the proceedings of every day, shall be drawn up by the Clerk before the next day's setting of the court, when the same shall be read in open court, and such corrections, as may be necessary, made and then signed by the Chief Commissioner of the court, and carefully preserved in a well bound book, to be kept for the purpose, if necessary, of making a *pro rata* payment on adjudicated claims of judgement rendered,—and the last day of each setting of said court, the proceedings of that day shall be drawn up, read, corrected, and signed on the same day as aforesaid.

SEC. 10. *Be it further enacted*, That the Commissioners shall for their services receive three dollars for every day they shall be actually engaged in the discharge of their duties as commissioners, payable quarterly out of any funds in the National Treasury, not otherwise appropriated—a certificate, under the hand and seal of the Chief Commissioner of the number of days, and the amount shall be presented to the Auditor, who shall issue his warrant on the National Treasurer for the same.

*And be it further enacted*, That the witness, or witnesses appearing in behalf of the nation in the Court of Claims, will be allowed two cents per mile and fifty cents per day in attending the above said court, out of any money in the Treasury, not otherwise appropriated, on the order or certificate of the Chief Commissioner, to the National Auditor for the same.

SEC. 11. *Be it further enacted*, That in case any vacancy shall occur in the Court, of Claims, either by death, resig-



nation, or removal from office, the Governor shall have power to fill such vacancy by appointment.

SEC. 12. *Be it further enacted*, That in case of necessity the court shall have power to appoint a bailiff who shall execute all orders of said court, and for his services shall receive the same as that of constable for like services.

SEC. 13. *Be it further enacted*, That the said court shall hold its session at the following places, to wit: Skullyville one month, commencing 1st Monday in January 1860; John Riddle's, two weeks, commencing 1st Monday in February, 1860; Boggy Depot, commencing third Monday in February, to hold two weeks; Mayhew, three weeks, commencing first Monday in March, 1860; Jno. Caffrey's 3 weeks, commencing 4th Monday in March, 1860; Doaksville, one month, commencing third Monday in April, 1860; Lukfahah, one month, commencing third Monday in May, 1860; Jesse McKenney's, two weeks, commencing third Monday in June, 1860.

*Be it further enacted*, That in case the said Court of Claims shall not complete the adjudication of claims enrolled within specified times, then additional terms shall be held by said court; times and place to be fixed by said court for final and entire adjudication.

Approved, October 21st, 1859,

BASIL L. LEFLORE,  
Governor Choctaw Nation.

### **An Act authorizing the Governor to appoint three delegates to the International Convention.**

*Be it enacted by the General Council of the Choctaw Nation*, That the Governor be and is hereby authorized to appoint three delegates, on the part of the Choctaw Nation, to meet the several Nations in International Council, to be held at North Fork Mission, on the 6th day of November 1859, for the purpose of framing a Code of International laws, &c.

*Be it further enacted*, That said delegates, to said National Convention of Choctaws, shall receive for their

services the same mileage and *per diem*, that the members of the House of Representatives are entitled to, according to law, and the Governor upon the return of the delegates, and their certificate of the number of days employed, and the number of miles travelled, shall issue to them his certificate, which certificate shall be presented to the National Auditor, and he shall issue his warrant on the National Treasurer for the amount upon any money in the Treasury, not otherwise appropriated.

Approved, October 22d, 1859,

BASIL L. LEFLORE,  
Governor Choctaw Nation.

**An Act to appoint Patrols in each County.**

*Be it enacted by the General Council of the Choctaw Nation,* That from and after the passage of this act, the Board of Police of the several counties in this Nation, if they deem it necessary, be and they are hereby invested with full power and authority, and hereby required to appoint one or more, as they may think proper, leader or leaders of patrols in each Justices beat, which leaders, so appointed, shall have power, and are hereby required to summon detachments in the respective districts, to consist of not less than three, nor more than five persons, to perform patrol duty, at least one night in every seven, for the express purpose of keeping the negroes in proper subjection, and to effect good order among the negroes.— They shall have the right to punish every negro caught from home after ten o'clock at night, without a pass, with twenty-five stripes, unless on business of their masters, or some person properly authorized to send such negro.

Approved, October 22d, 1859,

BASIL L. LEFLORE,  
Governor Choctaw Nation.

**An Act entitled an Act, granting to Silas Pursly the privilege to erect a Bridge on Gaines' Creek, and establish a Toll-gate.**

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*Be it enacted by the General Council of the Choctaw Nation,* That the privilege is hereby granted to Silas Pursly, to establish a toll gate on Gaines' Creek, at or near his present place of residence, upon the following conditions and terms: That if the said Silas Pursly, shall well and truly erect, or cause to be erected, a bridge across said Gaines' Creek, he shall be entitled to demand and receive therefor, from all persons passing over the same, except from citizens of this Nation, the rates of toll, to wit: For each four wheeled wagon, or other vehicle drawn by four or more horses, mules or oxen, with driver, the sum of fifty cents. For each four wheeled wagon or other vehicle, drawn by one or two horses, mules or oxen, with driver, the sum of twenty-five cents. For each man and horse, Ten cents; For each animal, in every drove of cattle, horses hogs and sheep, one cent.

SEC. 2. *Be it further enacted,* That if any person or persons, not citizens of this Nation, refuse to pay the toll aforesaid, upon application, with proper proof being made to any Justice of the Peace, said Justice shall give judgment, with fifty per cent damage, on the amount found due, and shall issue a writ directed to any Constable, who shall proceed to seize sufficient property belonging to such person, or persons, and sell the same upon ten day's notice, at Public Sale, to satisfy the principal found due, damages and costs, or complaint may be made for redress to the United States' Agent.

SEC. 3. *Be it further enacted,* That the privilege to receive toll herein given shall take effect, and be in force whenever the said Silas Pursly, shall well and truly erect, or cause to be erected, a good and substantial bridge and so long as he keeps the same in good order, and is responsible for all damages to any person, or persons crossing the same with their property, but shall in no manner be responsible for any damages that may happen to citizens of this Nation; *Provided,* the privilege herein

granted shall not continue for a longer term than six years.

SEC. 4. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, October 22d, 1859,

BASIL L. LEFLORE.

Governor Choctaw Nation.

### **Resolutions Respecting Female Schools.**

*Be it Resolved* That, the General Council of the Choctaw Nation, is disposed on behalf of the Choctaw people, to make a contract for the continuance of the Female Boarding Schools, which have heretofore been under the care of the American Board of Foreign Missions, of such a nature, that they may still be under the charge of the present Superintendents thereof, *Provided*, such a contract can be made on terms agreeable to all parties concerned.

*Be it further Resolved*, That Joseph Dukes, the present Trustee for schools in Apuckshannubbe District, and R. W. Nail, Superintendent of Trustees, be authorized, on the part of the Choctaw Nation, as soon as possible, to enter into a contract with the Superintendents of the several Female Boarding Schools, at Pine Ridge, Wheelock, and Eagletown, or with others, whereby the Female schools may be continued.

*Be it further Resolved*, That whenever the above desired contract is effected, R. W. Nail, Superintendent of Trustees, shall forthwith inform Gen D. H. Cooper, U. S. Indian Agent, of the existence of such a contract, and further request that the appropriations for the above named Female Schools be paid to the Superintendents thereof as heretofore

*Be it further Resolved*, That, the sum of two hundred and sixty-six dollars and sixty-seven cents, be appropriated, annually for four years only, out of the National Treasury, not otherwise appropriated, to each Female

School named above, in case the contract be entered into between said Joseph Dukes and R. W. Nail, and the Superintendents thereof

Approved, October 22d, 1859,

BASIL. L. LEFLORE,

Governor Choctaw Nation.

**An Act, entitled an Act, appropriating monies for the support of Neighborhood Schools, and directing the manner of disbursing the same.**

1. *Be it enacted by the General Council of the Choctaw Nation,* That the sum of Four hundred dollars be and the same is hereby set apart, out of any funds belonging to the Choctaw Nation, not otherwise appropriated, for the support of the Neighborhood School at Scullyville, in Mooshulatubbee District, and that the National Auditor is hereby authorized to issue his warrant for the same on the order of William Wilson, teacher of said school.

2. *Be it further enacted,* That the sum of twenty-five hundred dollars be and the same is hereby set apart out of any funds of the Choctaw Nation, not otherwise appropriated, the same to be drawn by the Trustee for schools in Mooshulatubbee District, on the order of the National Auditor, and to be disbursed by said Trustee, with particular regard for the schools already established, which may be in a flourishing condition, and for those localities where the greatest number of children can be benefited, by such disbursement.

3. *Be it further enacted,* That the sum of twenty-five hundred dollars be set apart out of any funds of the Choctaw Nation, not otherwise appropriated, for the support of neighborhood schools, in Apuckshanubbee District, and that the National Auditor be and is hereby authorized to issue his warrant on the National Treasurer for the same, payable to the Trustee of schools in Apuckshanubbee District, and that the said Trustee is hereby instructed to pay particular attention, in the disbursement of the funds committed to his care, to the wants of the people

on Red River, in the neighborhood of Willis Jones, and on Koiilla Bok.

4. *Be it further enacted*, That for the support of neighborhood schools in Pushmataha District, appropriations be, and the same are hereby made out of any funds belonging to the Choctaw Nation, and not otherwise appropriated, as follows, viz :

For the school at Good Land, the sum of Four Hundred Dollars, is hereby appropriated, to be paid to O. P. Stark.

For the support of a school at Good Water, in the neighborhood of Jackson Roberts, the sum of Two Hundred Dollars, is hereby appropriated to be paid on the order of the Trustee for Schools, for Pushmataha District.

For the support of a school at Z. Harrison's, the sum of Two Hundred Dollars, is hereby appropriated, to be paid to Z. Harrison.

For the support of a school at Bennington, the sum of Three Hundred and Fifty Dollars, is hereby appropriated, to be paid to C. C. Copeland.

For the support of a school at Elm Grove, the sum of Three Hundred and Fifty Dollars, is hereby appropriated, to be paid on the order of the Trustee, for schools in Pushmataha District,

For the support of a neighborhood school, to be located at Ephesus, Three Hundred Dollars, is hereby appropriated, to be paid on the order of the Trustee, for schools in Pushmataha District.

For the support of a neighborhood school at Yakni Okchaya, the sum of three hundred dollars is hereby appropriated, to be paid to Mrs. P. T. Hotchkins.

For the support of schools in other neighborhoods, in the same district, the sum of eight hundred dollars is hereby appropriated, to be paid on the order of the Trustee, for schools, in Pushmataha district; making a total of twenty-nine hundred dollars for the support of neighborhood schools in Pushmataha district.

5. *Be it further enacted*, That the Auditor of the Choctaw Nation is hereby authorized to issue his warrant on the National Treasurer of the Choctaw Nation, in favor of the several persons named as the proper persons to receive the monies appropriated for the support of schools in Pushmataha District, for the amount specified for the several schools named in connection with them; and that the Treasurer of the Choctaw Nation is hereby re-



quired to pay the same out of any funds belonging to the Choctaw Nation, not otherwise appropriated.

6. *Be it further enacted*, That the specific or special appropriations made in this act shall, and the same are to be considered as annual, or yearly, until otherwise enacted by the General Council of the Choctaw Nation.

7. *Be it further enacted*, That this Act be in force from and after its passage.

Approved, October 22d, 1859,

BASIL L. LEFLORE,  
Governor Choctaw Nation.

**Resolution relative to settling with the National Auditor and Treasurer.**

*Resolved*, That the Governor be and is empowered to authorize two individuals, residing in, or in the vicinity of Skullyville, to examine all the books and papers of both the former National Auditor and Treasurer, and report the same to the Governor at an early a day as practicable, for the purpose of relieving the former National Auditor's and Treasurer's bond, and also for the information of the General Council.

Approved, October 22d, 1859,

BASIL L. LEFLORE,  
Governor Choctaw Nation.

**An Act, Entitled an Act, authorizing the General Superintendent of Schools to examine and Report upon Funds belonging to this Nation.**

*Be it enacted by the Council of the Choctaw Nation*, That Robert W. Nail, Superintendent of Public Schools of the Choctaw Nation, is empowered to proceed to Washington City, as early as practicable, to investigate all funds due the Choctaw Nation, arising out of the funds known as

the forty-fourth fund, created under the treaty of 1830, to find out what amount is due, with interest, and report to the next General Council by whom, if any has been drawn.

2. *Be it further enacted*, That the said Robert W. Nail shall be entitled to, and receive, for his services, in going to Washington City, in attending to the above, the sum of three hundred dollars, together with his travelling expenses, going to and returning, to be paid out of the forty-fourth fund.

3. *Be it further enacted*, That this Act shall take effect and be in force from and after its passage.

Approved, October 22d, 1859.

BASIL L. LEFLORE.

Governor Choctaw Nation.

**Resolutions, Providing for the Election of Delegates to a Convention, to Amend the Present Constitution, or Frame a New One.**

WHEREAS, The proclamation of Tandy Walker, ex-Governor of the Choctaw Nation, by him issued, on the 28th day of September, 1859, agreeable to an act of the General Council, approved October 20th, A. D., 1858, providing for the submission to a vote of legally qualified voters of this Nation, the question of *Convention or no Convention*, for the purpose of amending the present Constitution, or framing a new one, and,

Whereas, The voice of the people through the ballot box has been almost unanimous in favor of a convention, thereby declaring that it is the wish of the majority of the people of this Nation to have the present Constitution, known as the Skullyville Constitution, and now the paramount law of the nation, amended, or a new one submitted in its stead to the people, for their approval or rejection, through the ballot box.

Now, therefore, *Be it Resolved*, By the General Council of the Choctaw Nation, that in compliance with the wish of a majority of the citizens of this Nation, a convention shall be held on the eleventh day of January, A. D., 1860,



at Doaksville, for the purpose of amending the present Constitution, or submitting a new one.

*Be it further enacted,* That Delegates be elected to said convention, in each and every county of the Choctaw Nation, in the same apportionment as represented in the General Council, provided for by an act approved the 27th day of October, A. D., 1858, entitled an act apportioning the representation of the counties in the House of Representatives of the General Council of the Choctaw Nation, which election shall be held on the first Wednesday in December, A. D., 1859, at such places as the Board of Police of the several counties may designate in their respective districts, agreeable to the laws defining the duties of said Board, etc.

*Be it further Resolved,* That the Governor notify each Sheriff of the several counties of this Nation, of the passage of these resolutions, and they are hereby required to publish the same in each district of their respective counties.

*Be it further Resolved,* That each Justice of the Peace is hereby required to appoint three Judges and two Clerks of election, in his respective district, and said Judges, so appointed, shall, before entering upon the discharge of their duties, take the following oath, to wit: "I do swear that I will perform the duties of Judge of the present election, according to law, and the best of my abilities, and that I will studiously endeavor to prevent fraud and deceit in conducting the same."

*Be it further Resolved,* That the Clerks of each election, before entering on the discharge of their duties, as Clerks of election, shall take an oath that they will faithfully record the names of all persons voting, and carry out in lines and columns all the votes polled at such election.

*Be it further Resolved,* That in case there be no Justice of the Peace, or other officer, legally authorized to administer an oath to said election Judges, and in case any of said Justices of the Peace shall fail to appoint, or attend their precinct, then the voters assembled shall choose from among themselves, three competent persons, as Judges of election, who shall administer the oath, one to another, and to the Clerks, and the Judges so administering the oath shall certify to the same, and attach his certificate to the poll-books, which shall be sent, sealed, to the Judge of Probates of their respective counties, who shall open and count the same, in the presence of the

Sheriff, and the person receiving the highest number of votes shall be elected, and said Probate Judge shall issue to such person a certificate of his election, *provided*, the Clerks of election shall proclaim, before sealing and forwarding to the Judge of Probate, the number of votes that each candidate received at their respective precincts.

*Be it further Resolved*, That whenever the present Constitution is amended, or a new one framed, by the said convention, the Governor of this Nation shall, within ten days after said convention, issue his Proclamation to the people of the Choctaw Nation, calling upon them to vote, on a day to be by him fixed, therein named, at least sixty days after the date thereof, upon the Constitution, so amended, or a new one framed, for their ratification or rejection.

*Be it further Resolved*, That the Governor shall issue his writ of election, directed to the Sheriff of each county in the Nation, commanding him to publish the same in each police district of their respective counties, whereupon the Justices of the Peace shall appoint and qualify three Judges and two Clerks of election, in their respective districts, for the purpose of allowing the legal electors of this Nation to vote, on the day fixed by the Governor, aforesaid, upon the Constitution thus submitted to them.

*Be it further Resolved*, That the returns of such election shall be made out by the Clerks thereof, and certified to be correct; sealed up, and delivered to the Sheriff, by the Judges thereof, which said Sheriff shall transmit, by some safe hand, or by mail, to the Governor, who shall, in the presence of one or more of the District Chiefs, open and count them, and the said Governor shall make proclamation of the number of all votes cast in each county in the Nation, for or against the Constitution so submitted.

*Be it further Resolved*, That the majority of such votes shall appear to have been cast in favor of such Constitution, then that Constitution shall go into operation in the manner as shall be directed by the said convention.

*Be it further Resolved*, That the Judges and Clerks of election shall receive for their services the sum of two dollars each.

*Be it further Resolved*, That the delegates attending the convention shall be allowed the same compensation as the members to the House of Representatives, payable out of any funds in the National treasury, not otherwise appropriated.

*Be it further Resolved.* In case of the death or resignation of any delegate elected to the convention, from the several counties of this Nation, the Probate Judge shall order the Sheriff to give notice to the several Justices of the Peace of his county to hold an election, in accordance with the election law, above specified, to fill such vacancy; *provided*, there be time to give one week's notice before the day of such election.

Approved, October 24th, 1859,

BASIL L. LEFLORE.

Governor Choctaw Nation.

**Resolution to pay Theodore Watkins, \$25 for the use of his House.**

*Be it Resolved by the General Council of the Choctaw Nation,* That the sum of twenty-five dollars be allowed Theodore Watkins, for the use of his house, as a Senate Chamber and that the National Auditor, is hereby authorized and directed to issue a warrant for the same upon any money in the National Treasury not otherwise appropriated.

Approved, October 24th, 1859,

BASIL L. LEFLORE,

Governor Choctaw Nation.

**Resolutions Relative to the International Council.**

*Be it Resolved by the General Council of the Choctaw Nation,* That, whereas, the Creek Nation of Indians have, through their legally constituted authorities, requested, and extended to this Nation a seat, by delegation, in an International Council of Nations, to be held on the sixth day of November, A. D., 1859, at North Fork Missson, with

the avowed purpose of framing and adopting a code of International Laws, to be regarded and adhered to by the Nations participating in such General Council of Nations, as the law governing the intercourse policy towards each other, and between them.

*And, whereas,* it is incumbent upon this Nation, as well as others, to protect its existence, and to protect the rights and interests of her citizens in every particular :

*Therefore, be it Resolved,* That the Governor be requested to prescribe to the delegation, by him appointed, an outline of their powers ; to consist in part of the following, to wit.: That should such international Council be assembled to form a code of laws governing their civil intercourse, then the delegates on the part of this Nation shall take their seats in said Council ; but if the object of the Council be to encourage the separate independence of any Nation, not recognized by the Choctaws as such, then, and in that case they shall withdraw from such Council, and, if need be, protest against such recognition of independency, and should such delegates take their seats in such Council, they shall endeavor to protect this Nation from the infringements of existing treaties with the Nations thus in Council assembled, and also to protect the rights and interest of the citizens of this Nation.

*Be it further Resolved,* That the intercourse laws enacted and passed in the Council, shall be submitted to the General Council of this Nation, for their approval or rejection, before the same shall be binding on the part of this Nation.

*Resolved further,* That the Choctaw people cannot, by any reasoning or construction of the treaty of 1855, recognize the separate nationality of the Chickasaws, as the country is held in common by the Choctaws and Chickasaws, and identified with each other in every interest as a people.

*Be it further Resolved,* That the Choctaw delegation make overtures of co-operation, as one delegation, to the Chickasaw delegation, and sign together as one delegation all laws, acts and resolutions that may be incumbent on them to sign as delegates, &c.

Approved, October 24th, 1859,

BASIL L. LEFLORE,

Governor Choctaw Nation.

**An Act Appropriating \$3,000 to F. M. Paine, Superintendent of Fort Coffee and New Hope Schools.**

Your Committee, to whom was referred the Report of the Superintendent of Fort Coffee and New Hope, after mature deliberation and consultation, beg leave to say, that it appears to your Committee that the amount asked should be allowed, for the reason that so much of the first appropriation to said institutions was applied to annuity purposes, after the contract had been entered into by the Nation and by the Methodist Board.

JOS. DUKES,  
CORNELIUS McCURTAIN,  
JACK SHOTUBBE,  
CAPT. JOHN ANDERSON,  
JACKSON McCURTAIN.

*Be it enacted by the General Council of the Choctaw Nation,* That the sum of three thousand dollars, be, and is hereby set apart, out of any money in the Treasury, not otherwise appropriated; to pay F. M. Paine, Superintendent of Fort Coffee and New Hope Schools, to enable the said Superintendent to pay the debts standing against the above Institution.

*And be it further enacted,* That the National Auditor is hereby required to issue his warrant on the National Treasury for the same.

Approved, October 24th, 1859.

BASIL L. LEFLORE,  
Governor Choctaw Nation.

**An Act appropriating money to pay Allen Wright for the use of the Brick Church, for Representatives.**

*Be it enacted, by the General Council of the Choctaw Nation,* That the sum of twenty-five dollars be and is hereby appropriated, out of any funds not otherwise appropria-

ted, to pay Allen Wright, for the use of the Brick Church by the Representatives during the present session of the General Council, and that the National Auditor be directed to issue his warrant on the National Treasury for the same.

Approved, October 24th, 1859,

BASIL L. LEFLORE,  
Governor Choctaw Nation.

**An Act making an appropriation to pay Martin Chucknubbee balance of Salary.**

*Be it enacted by the General Council of the Choctaw Nation,* That the sum of twenty-six dollars and thirteen cents be and hereby appropriated out of any monies not otherwise appropriated, to pay Martin Chucknubbee, for services rendered as County Judge in Artokar county, from 1st of March to the 1st of October, A. D. 1859; which being the balance due him on his salary. The National Auditor is hereby required to issue his warrant on the National Treasury for the same.

Approved, October 25th, 1859,

BASIL L. LEFLORE,  
Governor Choctaw Nation.

**Resolution Requesting the Governor to have the Acts and Resolutions of this Session printed.**

*Resolved by the General Council of the Choctaw Nation,* That the Governor be requested to have the Acts and Resolutions, passed at the present session of the General Council, printed in pamphlet form, in both the English



and Choctaw languages, at as early a day as possible, and upon the receipt of a sufficient number of copies, to order the distribution of them as directed by law.

Approved, October 25th, 1859,

BASIL L. LEFLORE.

Governor Choctaw Nation.

**Resolutions giving a certain per diem to the National Officers.**

*Be it Resolved by the General Council of the Choctaw Nation,* That the sum of two dollars per day, for each day's actual attendance upon the General Council, at the present session, be and the same is hereby allowed the Executive National Secretary, National Auditor, and National Treasurer, in addition to the salary, fixed by law for such officers, and that the National Auditor is hereby directed to issue his warrant upon the National Treasury for the amount of per diem in the manner of paying regular salaries; Provided that this resolution shall not be so construed as to allow said officers such per diem at any further session of the General Council of the Choctaw Nation.

*Be it further Resolved,* That the sum of one dollar per day, for each day's actual attendance upon the General Council, at the present Session, be and the same is hereby allowed Rev. Cyrus Kingsbury, the Chaplain, and the National Auditor is hereby directed to issue his warrant upon the National Treasury for the same.

*Be it further Resolved,* That this Resolution take effect and be in force from its passage until said officers receive the per diem aforesaid and no longer.

Approved, October 25th, 1859,

BASIL L. LEFLORE.

Governor Choctaw Nation.



**Adjournment.**

*Resolved*, That the General Council adjourn this evening at 5 o'clock. October 25th, 1859.

Approved, October 25th, 1859,

BASIL L. LEFLORE.

Governor Choctaw Nation.

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**An Act, Entitled an Act, prescribing the manner of Executing convicts in Capital cases.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That the punishment of death shall be inflicted, by shooting the convict until he be dead.

SEC. 2. *Be it further enacted*, That the punishment shall be inflicted at, or within half a mile of the Circuit Court ground, in each county of this Nation, where he was convicted, unless the Board of county Police, of the county in which the convict is confined, for some good cause, shall designate some other place, and notify the Sheriff of such order; who shall then execute such sentence at the place designated by such Board.

SEC. 3. *Be it further enacted*, That the Probate Judge, the Board of Police, Physicians and Ministers of the Gospel, of the district, or beat, in which the convict is held, and all constables, may, on notification of the sheriff, attend such execution, and the Sheriff make return of the warrant of execution, of the execution thereof, which shall be further certified, by at least two of the persons present, and be by said Sheriff, returned to the Clerk of the Court, from which said order was issued, and be then filed among the records and proceedings in said case as a part thereof.

SEC. 4. *Be it further enacted*, That whenever from any cause, any convict under sentence of death, shall not have been executed according to the order and judgment of the court, and the same shall stand in force and unrevised, the court where such sentence was pronounced, on the application of the District Attorney, shall issue a

writ of habeas corpus, to bring such convict before such court, or if he be at large, shall issue a warrant for his apprehension, and upon such convict being brought before the court, if no legal reason exist against the execution of such sentence, said court shall issue a warrant to the sheriff, of the proper county, reciting the facts, and commanding the said sheriff, on a day to be named in said warrant, to execute said sentence, according to law, which the said sheriff shall accordingly do.

Sec. 5. *Be it further enacted*, That all acts, or parts of acts heretofore passed, coming in any manner in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, October 25th, 1859,

BASIL L. LEFLORE.

Governor Choctaw Nation.

**A Supplemental Act to an Act, Entitled an Act defining the duties and powers of the Commissioners, the jurisdiction of the Court of Claims, fixing their pay, and for other purposes.**

*Be it enacted by the General Council of the Choctaw Nation*, That the board of Commissioners is hereby further authorized and directed, that in case the United States Agent for the Choctaw and Chickasaws is to act and cooperate with the Board of Commissioners, on the part of the Choctaws, in settling and adjudicating all individual claims arising under the Treaty of A. D. 1855, then the said Board, in conjunction with the United States' Agent, shall have the power to change, and to fix the time of meeting to suit the convenience of the said Agent.

*And be it further enacted*, That the limitation as specified in the 5th Section shall not be so construed as to take effect from the passage of the said act, but to commence from the time that the board shall first meet to determine and adjudicate claims.

Approved, October 25th, 1859,

BASIL L. LEFLORE,

Governor Choctaw Nation.

**An Act Relative to the Eastern Boundary Line.**

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*Be it enacted by the General Council of the Choctaw Nation,* That the Resolutions, passed at the Regular Session of the General Council 1858, and approved October 27, A. D. 1858, directing the present Choctaw delegation, at Washington City, composed of, Samuel Garland, P. P. Pitchlynn, and Israel Folsom, to take into consideration all matters arising in relation to the running of the Eastern boundary line of the Choctaw Nation, by direction of the Government of the United States, and determine and agree upon the compensation to be allowed by the Government of the United States, in consideration of that portion of the Territory of this Nation, found to be within the limits of the State of Arkansas, is hereby wholly revoked, and rendered null and void, from and after the passage of this act.

*Be it further enacted, &c.* That the present delegates now at Washington, be instructed and authorized, to protest before the proper department, in regard to the running of the eastern boundary line between the Choctaw country, and the State of Arkansas, and contend for the true line in accordance with the Treaty of June, A. D. 1855.

*Be it further enacted,* That said delegates shall not be entitled to any pay for such supervision, &c.

Approved, October 25th, 1859.

BASIL L. LEFLORE,  
Governor Choctaw Nation.

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