

THE  
FREEDMEN AND REGISTRATION BILLS,

PASSED AT A

SPECIAL SESSION

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CHOCTAW COUNCIL, INDIAN TERRITORY.

MAY, 1883.

DENISON, TEXAS.  
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1883

# FREEDMEN BILL.

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## AN ACT

*Entitled an Act, to adopt the Freedmen of the Choctaw Nation:*

WHEREAS, By the Third and Fourth Articles of the Treaty between the United States and the Choctaw and Chickasaw Nations, concluded April 26, 1866, provision was made for the adoption of laws, rules and regulations, necessary to give all persons of African descent, resident in said Nations, at the date of the Treaty of Fort Smith, September 13th, 1865, and their descendants formerly held in slavery among said Nations, all the rights, privileges and immunities, including the right of suffrage of citizens of said Nations; except in the annuities, moneys and public domain, claimed by or belonging to said Nations, respectively. And, also, to give to such persons who were residents aforesaid, and their descendants, forty acres each of the lands of said Nations, on the same terms as Choctaws and Chickasaws, to be selected on the survey of said lands; until which said freedmen shall be entitled to as much land as they may cultivate for the support of themselves and families; *and whereas*, the Choctaw Nation adopted legislation in the form of a

memorial to the United States Government, in regard to adopting Freedmen to become citizens of the Choctaw Nation, which was approved by the Principal Chief, November 2d, 1880, setting forth the status of said Freedman, and the inability of the Choctaw Nation to prevail upon the Chickasaws to adopt any joint plan for adopting said Freedmen, and notifying the United States Government of their willingness to accept said Freedmen as citizens of the Choctaw Nation, in accordance with the Third and Fourth Articles of the Treaty of 1866, as a basis; *and, whereas*, a resolution was passed and approved November 5th, 1880, authorizing the Principal Chief to submit the aforesaid proposition of the Choctaw Nation, to adopt their Freedmen, to the United States Government; *and whereas*, a resolution was passed and approved November 6th, 1880, to provide for the registration of Freedmen in the Choctaw Nation, authorizing the Principal Chief to appoint three competent persons in each District, citizens of the Nation, whose duty it shall be to register all Freedmen referred to in said Third Article of the Treaty of 1866, who desire to become citizens of the Nation in accordance with said Treaty, and, upon proper notification that the Government of the United States had acted favorably upon the proposition to adopt the Freedmen as citizens, to issue his proclamation, notifying all such Freedmen as desire to become citizens of the Choctaw Nation, to appear before said Commission for identification and registration; *and, whereas*, the Indian Appropriation Act of Congress, May 7th, 1882, it is provided that either of said tribes may adopt and provide for the Freedmen in said tribe in accordance with said Third Article. Now therefore,

SECTION I. *Be it enacted by the General Council of the Choctaw Nation assembled*, That all persons of African descent, resident in the Choctaw Nation at the date of the Treaty of Fort Smith, September 13th, 1865, and their descendants formerly held in slavery by the Choctaws or Chickasaws, are hereby declared to be entitled to and invested with all the rights, privileges and im-

munities, including the right of suffrage, of citizens of the Choctaw Nation, except in the annuity moneys and the public domain of the Nation.

SEC. 2. *Be it further enacted*, That all said persons of African descent, as aforesaid, and their descendants, shall be allowed the same rights of process, civil and criminal, in the several courts of this Nation, as are allowed to Choctaws, and full protection of person and property is hereby granted to all such persons.

SEC. 3. *Be it further enacted*, That all said persons are hereby declared to be entitled to forty acres each of the lands of the Nation, to be selected and held by them under the same title and upon the same terms as the Choctaws.

SEC. 4. *Be it further enacted*, That all said persons aforesaid are hereby declared to be entitled to equal educational privileges and facilities with the Choctaws, so far as neighborhood schools are concerned.

SEC. 5. *Be it further enacted*, That all said persons as shall elect to remove, and do actually and permanently remove from the Nation, are hereby declared to be entitled to one hundred dollars per capita, as provided in said Third Article of the Treaty of 1866.

SEC. 6. *Be it further enacted*, That all said persons who shall decline to become citizens of the Choctaw Nation, and who do not elect to remove permanently from the Nation, are hereby declared to be intruders on the same footing as other citizens of the United States resident herein, and subject to removal for similar causes.

SEC. 7. *Be it further enacted*, That intermarriage with such Freedmen of African descent, who were formerly held as slaves of the Choctaws, and have become citizens, shall not confer any rights of citizenship in this Nation, and all Freedmen who have married, or may hereafter marry Freedwomen who have become citizens of the Choctaw Nation, are subject to the permit laws, and allowed to remain during good behavior only.

SEC. 8. *Be it further enacted*, That all such persons of African descent, who have become citizens of the Choctaw Nation, shall be entitled to hold any office of trust or profit in this Nation, except the office of Principal Chief and District Chiefs.

SEC. 9. *Be it further enacted*, That the National Secretary shall furnish a certified copy of this act to the Secretary of the Interior. And this act shall take effect and be in force from and after its passage.

Approved May 21, 1883.

J. F. McCURTAIN,  
Principal Chief Choctaw Nation.

I hereby certify that the foregoing act in reference to adopting Freedmen as citizens, is a true and correct copy from the original bill.



In testimony whereof I have hereunto set my hand and affixed the seal of the Choctaw Nation, this, 22d day of May, 1883.

THOMPSON MCKINNEY,  
National Secretary Choctaw Nation.

# REGISTRATION BILL.

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*To the General Council:*

We, your committee on the Chief's message, would report the within bill and recommend its passage.

CHAS. WINSTON,

Chairman Committee on Chief's Message.

A RESOLUTION to provide for the registration of the Freedmen of the Choctaw Nation, under the Third Article of the Treaty of 1866, between the United States and the Choctaw and Chickasaw Nations. Be it

*Resolved*, by the General Council of the Choctaw Nation assembled, That in the event the Government of the United States approves the action of the General Council of the Choctaw Nation in the matter of the adoption of the Freedmen contemplated in the Third Article of the Treaty of 1866; the Principal Chief is hereby authorized to appoint a commission of three competent persons, resident citizens of the Choctaw Nation, in each district, who, after being qualified according to law, shall be and are hereby constituted a commissioner, who, before entering upon the duties of

their office, shall take the oath of office prescribed by the constitution, which may be administered by any judge of a court of record.

*Resolved*, further, That the commissioner shall be and are hereby empowered and directed to enroll all Freedmen, as contemplated in the Third Article of the Treaty of 1866, between the United States and the Choctaw and Chickasaw Nations of Indians. Three books suitable for the purpose shall be procured by the commissioners at the expense of the Nation. One of the books shall be used to enroll the names and ages of such Freedmen as shall signify their intention to remain and become citizens of the Nation, as stipulated in the Third Article. One of the books shall be used to enroll the names and ages of such Freedmen as present themselves for enrollment, and are not admitted to enrollment as provided above, on account of doubts of the commissioner to the rights of such persons to enrollment. That the General Council may, on application, review the same.

*Resolved*, further, That the commissioners shall choose from among themselves the presiding commissioner, and shall be the presiding officer, to be entered on the minutes of the commissioner, and said chief commissioner shall have power to sign the minutes, and certify any matter of fact of record in said commissioner.

*Resolved*, further, That the chief commissioner shall be and is hereby empowered to send for persons and papers necessary to the identification of any Freedman presenting himself or herself for enrollment, the expenses hereby incurred to be paid out of the National Treasury upon the certificate of the chief commissioner, the rate of compensation to be the same as allowed for such services in the circuit courts of the Nation. If the person summoned cannot appear in person his deposition may be taken by either party, before any county judge, or either officer authorized to administer oaths, sufficient notice being given to the adverse party of the time and place of taking the depositions, to have the same force and effect as if the person was personally present before the commissioner.

*Resolved*, further, That the Principal Chief shall appoint a competent clerk for each commissioner, who shall be qualified according to law, and shall for his services receive the sum of five dollars per day, payable out of the National Treasury upon the certificate of the chief commissioner.

*Resolved*, further, That the commissioners shall for their services receive five dollars per day for every day they shall be actually engaged in the discharge of their duties, out of the National Treasury, upon the certificate of the chief commissioner.

*Resolved*, further, That in case of necessity the commissioners shall have power to call upon the sheriffs of the county in which commissioner may be convened, who shall execute all orders of the commissioner, and for his services he shall receive the same pay as for like services rendered in the circuit courts, to be paid out of the National Treasury, upon the certificate of the chief commissioner.

*Resolved*, further, That the commissioner shall be allowed sixty days in which to make the enrollment, and shall have the power to designate the time and place of holding their sessions in their respective districts, provided their first time and place of convening shall be by the proclamation of the Principal Chief.

*Resolved*, further, That in case any vacancy shall occur in the commission, either by death, removal, or resignation, the Principal Chief shall have the power to fill such vacancy by appointment.

*Resolved*, further, That in case the commissioner shall not complete the enrollment as aforesaid Freedmen in the time herein specified, their additional terms shall be held by said commissioner, time and places to be fixed by said commissioner for final and complete enrollment.

*Resolved*, further, That the books of enrollment shall be duly certified by the chief commissioner, and shall by the clerk of the commissioner, be deposited in the office of the National Secretary, certified copies of the same to be by the said National Secretary



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forwarded to the Secretary of the Interior Department, at Washington City, D. C.

*Resolved*, further, That any resolution coming in conflict with this, is hereby repealed, and this resolution to take effect and be in force from and after its passage.

Approved May 22, 1883.

J. F. McCURTAIN,  
Principal Chief, Choctaw Nation.

Attest: ISRAEL FOLSOM, Secretary.



I hereby certify that the foregoing act is a true and correct copy from the original.  
This, 23d of May, 1883.

THOMPSON MCKINNEY,  
National Secretary, Choctaw Nation.