

ACTS AND RESOLUTIONS

OF THE

CREEK

NATIONAL COUNCIL

OF THE

SESSIONS OF MAY, JUNE,

OCTOBER, NOVEMBER AND DECEMBER, 1895.

COMPILED AND TRANSLATED BY

D. C. WATSON.

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ACTS AND RESOLUTIONS

OF THE SESSIONS OF MAY, JUNE,
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COMMITTEE OF EIGHTEEN ON CENSUS ROLLS OF 1895.

Be it Resolved by the National Council of the Muskogee Nation: That a special committee, to be composed of six members from the House of Kings and twelve members from the House of Warriors, be appointed to take charge of the census rolls of the various towns and carefully examine the same and ascertain whether or not they are correct, and if any of them are found to contain the names of non-citizens all such names shall be expunged from the rolls and reported separately to the National Council. All the acts of the special committee herein provided for shall be subject to the approval of the National Council.

Approved May 15, 1895.

WHO IS ENTITLED PER CAPITA PAYMENT AND WHO IS DEBARRED FROM.

Whereas, It has become notorious that by questionable and unjust methods and practices many non-citizens have heretofore been counted as citizens and participated in the per capita distribution of the public funds of the Nation; and,

Whereas, Such persons as have in this manner obtained a share in the payments of moneys of the Nation made to her citi-

zens, claim that by such participation they have become fully recognized citizens thereof, entitled to all the rights, privileges and immunities incident thereto, which claim, if admitted, must eventuate in great injustice to bona fide citizens of the Nation; therefore,

Be it Enacted by the National Council of the Muskogee Nation: That the fact alone that any person has at any time participated in the per capita distribution of any of the public moneys of the Muskogee Nation does not make of such a person a citizen of the Muskogee Nation, entitled to the rights and privileges of recognized citizens thereof, and shall not by any authority of the Nation be accepted or construed as evidence sufficiently perfecting and establishing such claim.

Be it further Enacted: The committee of eighteen (18) appointed by act of the extraordinary session of Council, approved May 15, 1895, to examine and correct the census rolls of 1895, are hereby instructed and directed to entertain and consider any and all challenges and questions urged in good faith by any respectable citizen against the claim of any person to citizenship in this Nation, and strike from the rolls and preserve a correct list of all the names so stricken out and report the same to the present session of Council.

Be it further Enacted: That all persons of Creek blood and all adopted citizens of any blood who reside in the Muskogee Nation, and whose citizenship is not questioned, are hereby declared entitled to participate in the coming per capita payment.

Be it further Enacted: That all persons residing in the surrounding Nations, whether Creek by blood or otherwise, who claim Creek citizenship, but have been recognized as citizens by the authorities of the Nation in which they reside, are hereby debarred from participation in said per capita payment.

Approved May 17, 1895.

CITIZENSHIP COMMISSION.

Whereas, The opinion prevails throughout the country that a large number of non-citizens have been enrolled as citizens on the different census rolls that have been made from time to time in the past; and,

Whereas, It is currently asserted, and believed by many, that a large number of claimants who have heretofore appeared before the committees of the National Council on citizenship and other authorities of the Nation and established or obtained recognition of their claim to citizenship in the Nation, accomplished the same by the undue use of money and other fraudulent means; and

Whereas, In all former actions involving the question of the citizenship of any person in the Muskogee Nation this Nation had no representative to appear as attorney to defend her interest in that behalf; therefore,

Be it Enacted by the National Council of the Muskogee Nation, in Extraordinary Session assembled: That a commission, to be styled "The Citizenship Commission," to be composed of five (5) of the most competent citizens of this Nation be and is hereby created, whose duty it shall be to sit as a high court and try, determine and settle all and only such causes as shall involve the question of the right of citizenship of any person in the Muskogee Nation that shall be presented to it, either by claimant or the duly authorized representative of the Nation, as hereinafter provided.

The members of the Commission shall be elected by the present session of the Council, and shall meet as soon as practicable after their appointment and organize by electing one of their number President and employing one competent interpreter and two (2) well qualified clerks. One clerk shall take charge of all census rolls submitted to the Commission, read

and compare them with other collateral matter that shall be presented for that purpose, and shall keep a list of all such matters and documents, and stand responsible for their due preservation. One of the clerks shall preserve a docket and number of all cases and carefully and correctly record all such testimony of witnesses as the Commission shall deem worthy of record; shall carefully and correctly and in due form record all findings of facts and decisions of the Commission, issue all subpoenas, summons and calls for persons or papers ordered by it. When organized as provided, the Commission shall give public notice through all the newspapers published in the Nation of the time and place of its meeting at least thirty (30) days previous to such meeting. Its sessions shall be held in the Council house at Okmulgee, the first of which shall be on the second Tuesday of July, 1895. They may adjourn and meet from time to time, as the interests of their business may seem to warrant, and the presence of a majority shall be sufficient for the lawful transaction of business. They shall have full authority to summon witnesses and call for persons and papers and do all other things necessary and proper to show all the facts in any case that may come before it, and in summoning witnesses the process shall be by notifying the Judges of the several Districts, when he shall in turn subpoena the witnesses desired through their lighthorsemen. All witnesses subpoenaed on part of the Nation shall be paid by the Nation the same per diem and mileage as paid to witnesses appearing before the District Courts in criminal cases; and the Commission shall issue certificates of indebtedness, attested by the signatures of the President and recording clerk, and the National Council, at its next regular session, make appropriation to cover such witness fees.

Be it further Enacted: That all persons who shall appear before the Commission claiming citizenship in the Muskogee Nation, and all others whose names now appear as citizens on

any of the census rolls taken at any time, or on any of the public records of the Nation, the validity of whose citizenship shall in good faith be questioned by any responsible citizen, shall be plaintiffs and entitled to the right of counsel and to all other rights usual and incident to the trial of a cause in a court of justice in this Nation. They shall file written allegations before the Commission, setting forth clearly the grounds of their claim and the names of the witnesses they desire to have subpoenaed in their behalf, and shall file a bond satisfactory to the President of the Commission that they will themselves pay their witnesses the same per diem and mileage as paid to witnesses on part of the Nation. And when such allegations and witness bond are properly filed, then the Commission shall subpoena the witnesses for the claimants in the same manner as witnesses for the Nation are subpoenaed; and if any witness, being a Muskogee citizen, shall refuse to obey any subpoena of the Commission or to appear before it when duly summoned, except in case of sickness or other unavoidable hindrance, he shall be fined twenty-five (\$25.00) dollars, and no property except improvements, house furniture, and wearing apparel shall be exempt from seizure and forced sale to satisfy said fine. The President of the Commission shall have authority to administer oath, and any witness testifying falsely under oath shall be subject to the same pains and penalties prescribed by Muskogee law for the crime of perjury; and when the attorney for the Nation shall become satisfied that any citizen has sworn falsely in any cause before the Commission he shall promptly report the same to the District Attorney of Okmulgee District, together with such facts as he may have to justify criminal proceedings, and the District Attorney shall, without unnecessary delay, proceed to arraign and try the accused in the court of his District for the crime of perjury.

Be it further Enacted: That in the examination and adjudication of the claims of negroes to citizenship in the Muskogee Nation the provisions of the treaty of 1866 with the United

States shall govern, and the subsequent acts of adoption passed by the National Council shall govern, and in cases of claim to citizenship by reason of Indian blood the act of the National Council as appears in sections 295 to 298, inclusive, of the Muskogee laws, edition 1893, shall govern; and when any case shall be decided in favor of any person by the Commission the plaintiff shall ever afterwards be a full citizen and accorded all the rights of any other citizen. And in any enumeration hereafter to be made of the citizens of the Nation, any person applying for registration, against whose citizenship any question may arise, shall be required to trace his or her origin to the rolls of the names of citizens to be prepared under this act.

Be it further Enacted: That the Principal Chief shall nominate, with the five Commissioners herein provided for, one competent attorney, who shall be well versed in the treaties, compacts and laws of the Muskogee Nation, who shall be confirmed by the Council. His duty shall be to defend the Nation in all cases of claims to citizenship therein which may be filed before the Commission, to the end that no fraudulent claims may be passed by said tribunal. He shall diligently inquire into all cases of suspected fraud in the enrollment of citizens at any time; and if he shall have cause to believe that any person whose name appears on any census roll of any alleged citizens of the Nation, or that any person has heretofore proved his or her rights through fraudulent means, he shall give them due notice and shall move that their names be stricken from the rolls until they shall re-establish their rights through competent testimony to the satisfaction of the Commission. All census before this tribunal shall be decided by vote, and a majority vote shall stand and be the final decision of that body. All points of law contested before the Commission shall be decided in like manner and have the same force and effect as if decided by any other competent court.

Be it further Enacted: That each Commissioner, interpre-

ter, clerk and the attorney for the Nation shall receive a per diem of four (\$4.00) dollars during the time they are engaged in the business herein prescribed, together with mileage at the rate of 10 cents per mile in going to and returning from their sessions.

Be it further Enacted: That two thousand and five hundred (\$2,500.00) dollars, or so much thereof as may be necessary, be, and is hereby, appropriated for the payment of per diem and mileage of members, interpreter and clerks of the Commission, to be issued in warrants by the Principal Chief upon certificates issued by the President of the Commission.

Approved May 30, 1895.

1. *Be it Enacted by the National Council of the Muskogee Nation, in extra session assembled:* That the sum of two hundred thousand dollars, which has been appropriated by the Congress of the United States and placed to the credit of the Creek Nation in the sub-treasury at St. Louis, be, and the same is hereby, set apart for the purpose of making a per capita payment to the citizens of the Muskogee Nation.

2. *Be it further Enacted:* That the National Treasurer of the Muskogee Nation be, and he is hereby, authorized and directed to make the disbursement of the per capita payment to the citizens of the Muskogee Nation at the capitol building.

3. *Be it Enacted by the National Council of the Muskogee Nation:* That the National Treasurer, before receiving any money for the purpose of making a per capita payment, shall be required to execute a good and sufficient bond (nobody but citizens of the Creek Nation shall be accepted as such bondsmen) in the penal sum of two hundred thousand dollars for the faithful distribution and payment of the said \$200,000.00 in accordance with the acts of Council of May, 1895.