

# CONSTITUTION OF THE CHOCTAW NATION

January 5, 1857

## PREAMBLE

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 hence 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-eight 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, north, west 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 independent Nation, not inconsistent with the constitution, treaties and laws of the United States, by the name of the Choctaw Nation.

## ARTICLE I

### 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 free men, when they form a social compact, are equal in rights, and that no man or set of men are entitled to exclusive, separate public emolument or privileges from the community, but in consideration of public services.

SECTION 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 inalienable and indefeasible right to alter or establish their form of government in such a manner as they may think expedient.

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

SECTION 4. That the printing press shall be free to every person, and no law shall ever be made to restrain the rights thereof. That free communication of opinion is one of the inviolable rights of man and every citizen may freely speak, write and print on any subject, being responsible for abuse of that liberty.

SECTION 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 to 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 liquors, the same shall be liable to search or seizure as may be hereafter provided by law.

SECTION 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.

SECTION 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.

SECTION 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 therefore.

SECTION 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.

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

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

SECTION 12. That all prisoners shall, before conviction, be bail able by sufficient securities, except for capital offences, where the proof is evident or the presumption great, and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion, the public safety may require it.

SECTION 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.

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

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

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

SECTION 17. Every citizen has a right to bear arms in defense of himself and of this nation.

SECTION 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.

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

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

SECTION 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.

SECTION 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 or appointed or elected thereto so long behave well.

## **CONCLUSION.**

To guard against transgressions of the high powers herein delegated: WE DECLARE, that every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate; and that all laws contrary thereto, or to the following provisions, shall be void.

## **ARTICLE II.**

### **DISTRIBUTION OF POWER**

SECTION 1. The powers of government of the Choctaw Nation shall be divided into three district departments and each of them confined 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.

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

## **ARTICLE III.**

### **LEGISLATIVE DEPARTMENT**

SECTION 1. Every free male citizen of this Nation who shall have attained 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 preceding the election for each and every office made elective in this Nation.

SECTION 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.

SECTION 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."

SECTION 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.

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

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

SECTION 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 preceding his election, and the last month thereof a resident of the county for which he shall be chosen, and shall have attained to the age of twenty-one years.

SECTION 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 residuum's over and above the ratio then fixed by law, if such residuum's, when added together, will amount to such ratio, in that case one representative shall be added to that county having the largest residuum.

SECTION 9. The General Council shall, at their first session and at periods of not less than every four nor more than every 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.

SECTION 10. The whole number of Senators shall at the periods of making the enumeration before mentioned, 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.

SECTION 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 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.

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

SECTION 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.

SECTION 14. No person shall be a Senator unless he be a citizen of this Nation and shall have been an inhabitant thereof for two years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and have attained to the age of thirty years.

SECTION 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 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 time for the same cause.

SECTION 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.

SECTION 17. Each house may 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.

SECTION 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.

SECTION 19. Senators and Representatives shall, in all cases except for 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

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

SECTION 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.

SECTION 29. The first election for Senators and Representatives shall be general through out the Nation, and shall be held on the first Wednesday in August 1857, and thereafter there shall be biennial elections for Senators to fill the places of those term of service may have expired.

SECTION 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.

SECTION 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**

SECTION 1. The judicial power of this Nation shall be vested in one Supreme Court, in Circuit Courts and Courts of Probate.

SECTION 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.

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

SECTION 4. The counties at present comprising Mooshulitubbee District, shall compose the first judicial circuit, the counties comprising Apukshunbee district shall compose the second judicial circuit, and the counties comprising Pushamataha District, to which shall be added the country lying between the ninety-eight 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.

SECTION 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 does not exceed one year, the vacancy shall be filled by executive appointment.

SECTION 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 year.

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

SECTION 8. No judge shall sit on the trial of any cause when the parties or 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, specially commission two or more men, of law knowledge, for the determination thereof.

SECTION 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.

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



SECTION 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.

SECTION 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.

SECTION 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 “The Choctaw Nation,” and shall conclude “against the peace and dignity of the same.”

SECTION 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 idiocy and lunacy, and of persons “non compos mentis.” The judges of said court shall be elected by the qualified electors of the respective counties, for the term of two years.

SECTION 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.

SECTION 16. A competent number of Justices of the Peace and Constables shall be chosen in each county by the qualified electors thereof, by 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 in 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.

SECTION 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 office 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.

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

SECTION 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.

SECTION 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 offices.

SECTION 21. The judges of the several courts of this Nation, for willful 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 defense, 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.

SECTION 22. Judges of the Probate, clerks, sheriffs, and other county officers for willful 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**

SECTION 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.

SECTION 2. Governor shall be elected by the qualified electors of this 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.

SECTION 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 preceding the day of election, and shall not be capable of holding the office more than four years in any term of six years.

SECTION 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.

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

SECTION 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.

SECTION 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.

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

SECTION 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.

SECTION 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.

SECTION 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.

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

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

SECTION 14. No person shall hold the offices 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.

SECTION 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.

SECTION 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 reconsideration, 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 reconsidered; 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 (Sunday 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 law.

SECTION 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 repassed by both houses, according to the rules and limitations prescribed in case of a bill.

SECTION 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.

SECTION 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 Representatives, as the case may be, shall fill the vacancy until his duties, as Governor shall cease.

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

SECTION 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**

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

SECTION 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.

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

## **ARTICLE VI.**

### **IMPEACHMENTS**

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

SECTION 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.

SECTION 3. The Governor and all civil officers shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than removal from office and disqualification to hold any office of honor, trust or profit, under this Nation; 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**

SECTION 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 do 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."

SECTION 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.

SECTION 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.

SECTION 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.

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

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

SECTION 7. No law shall be passed to raise a loan or 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.

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

SECTION 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.

SECTION 10. Divorces from the bonds of matrimony shall be granted, but in cases provided for by law.

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

SECTION 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**

SECTION 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 provisions, 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.

SECTION 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.

SECTION 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, alternation 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 to 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 voters 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**

SECTION 1. All matters now pending in the several Courts of this Nation may be transferred in such courts, as may have proper jurisdiction thereof, under this constitution.

SECTION 2. The Chiefs and all officers now holding office, under the authority of the 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.

SECTION 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.

SECTION 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.

SECTION 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 officers. The returns for Governor shall be transmitted as the constitution directs.

SECTION 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.

SKYLLYVILLE, C.N., January 1857

TANDY WALKER,

President of the Convention.

S. S. Fisher }

Wm. B. Pitchlynn } Clerks.

S. P. Willis, }

**DELEGATES OF THE CONVENTION.**

Robt. Kincaid, L. D. Garland

E. W. Folsom, Bushpo Tuppah,



Kennedy McCurtain, Coleman Cole,

Mishamah Tubbee, Swinney Frazier,

McKee King, Alfred Wade,

Jas. Thompson, Wm. Roebuck,

John page, J. E. Dwight,

Jas. Garland, Daniel Folsom,

Mitchell LeFlore, Jacob Folsom,

Wm. James, John McIntosh,

John Lewis, Fransua Battiest,

Wm. Cass.