



An act entitled an act defining the duties
of Coroner of the several counties of this nation

Section 1. Be it enacted by the General Council of the
Choctaw Nation That there shall be elected by the
qualified electors of the several counties of this nation
at the time and place of holding the general election,
one coroner, for each county within the same, who
shall be commissioned by the Governor, and shall continue
in office, for the term of two years, unless sooner removed;
and before he enters on the duties of his office, he shall
take the oath prescribed in the constitution, before the
Judge of the probate court, ^{any} justice of the peace, of the
county for which he is elected, and enter into bond,
with two or more good and sufficient securities,
to be approved by the Judge of the probate court of the
such county, in the penalty of one-half the sum
required by law of the Sheriff of that county, for
which such Coroner is elected, payable to the Governor
of the nation, for the time being, and his successor,
in office, with the like condition after making the
necessary changes, as is prescribed in the bond direct-
ed by law to be given by Sheriffs. The Judge of
the Probate Court, shall endorse on said bond, his
approbation of the sureties therein named, and a
certificate that he has administered to the coroner
the oath of office, and shall cause the bond, together
with the endorsements thereon, to be recorded in the
office of the Clerk of the probate court, and immediately
thereafter deposit the same in the office of the
National Secretary, there to be safely kept and
preserved; and said bond shall not be void on the
suit recovery, but may be put in suit and

prosecuted from time to time at the cost and charges of any party injured, until the whole amount of the penalty thereof, be recovered; an authenticated copy of any such bond shall be received in evidence in any Court of Law or equity in this nation, in the same manner as the original would be, if it were present in Court.

Section: 2. Be it further enacted. That the provisions of the third, fourth, and fifth sections of the act, entitled "an act defining the duties of the office of Sheriff in the several counties of the Choctaw Nation," shall in all respects, be applied to, and put in force against any Coroner or Coroners, who may be elected by the qualified electors of any county within this nation, according to the import, intent, and meaning thereof.

Section: 3. Be it further enacted. That every Coroner shall, upon view of the body, take inquests of deaths in prison, and of all violent, sudden, or casual deaths within his county, and the manner of such deaths; and as soon as he shall have notice, or be certified of any death as aforesaid, he shall make out a precept, directed to any constable of the county, where the dead body is found or lying, requiring him to summon twelve good and lawful men of the same county, to appear before him at the time and place designated in such precept, mentioned; which precept shall be in the form, or to the effect following:

"_____ County, ss.
The Choctaw Nation, to any of the Constables of the said county:—

You are hereby required immediately upon

Sight hereof, to summon twelve good and lawful men
of the said county of _____, to be and appear before me,
A. B. Coroner of the county aforesaid, at _____, in the
said county, on the _____ day of _____, at the hour of _____,
in the _____ noon of same day, then and there to enquire of,
do, and execute, all such things, as on behalf of the nation,
shall be lawfully given them in charge, touching the
death of C. D., (or a person unknown, as the case is,) and
be you then there to certify what you shall have done
in the premises; and further to do and execute what,
in behalf of the ^{said} nation, shall be then and there enjoined
upon you. Given under my hand and Seal, at
_____ in the said county, the _____ day of _____ A.D.
_____ A. B. Coroner.

Section: 4. Be it further enacted That the constable,
to whom such precept shall be directed or delivered,
shall forthwith execute the same, and shall repair
to the place at the time mentioned therein, and make
return of the precept, with his proceedings thereon, to
the coroner who issued it.

Section: 5. Be it further enacted. That it shall be
the duty of the coroner to certify and return every
constable, who shall neglect or refuse to execute
the services and duties, or any of them, by this act
prescribed; and every person who shall be summoned
as a juror, as aforesaid, or as a witness, according to the
provisions of this act, and shall not appear, to the
next Circuit Court, to be held in and for the
county; which Court unless a reasonable excuse be
afforded, shall set such fine upon the constable,
juror, or witness, so offending, as they shall think
fit and reasonable, not exceeding one hundred dollars.

Section: 6. Be it further enacted. That the Coroner shall swear, ^{or affirm} and twelve Jurors, who shall appear, and shall administer to the foreman of the inquest, an oath or affirmation, upon view of the body, in form following:

"You, as foreman of this inquest, shall diligently inquire, and true presentment make, on behalf of the Charters Statute, how, and in what manner, C. D. (or person unknown, as the case is) here lying dead, came to his death, and of such other matters relating to the same, as shall be lawfully required of you, according to evidence: So help you God." And then shall swear, ^{or affirm}, by three at a time, in order, the rest of the Jurors, in the form following:

"Such oath, or affirmation, (as the case may be) as the foreman of this inquest hath taken on his part, you, and every ^{one} of you, shall well and truly observe and keep on your part."

Section: 7. Be it further enacted. That when the Jurors are sworn or affirmed as aforesaid, the Coroner shall give them a charge, upon their oaths or affirmations, to declare of the death of the person, whether he or she died by murder, manslaughter, misadventure, misfortune, accident or otherwise, and when and where, and by what means, and in what manner, and if by murder, who were principals, and who were accessories, and if by manslaughter, who were the perpetrators, and with what instrument the stroke or wound was in either case given, and so of all prevailing circumstances, which may come by presumption; and if by misadventure, misfortune, accident or otherwise, whether by the act of God or man, and whether by

hunt, fall, stroke, drowning, or in any other way; to inquire what persons were present at the death, from whence the deceased came, and who he or she was, and his or her parents, relatives, or neighbors; who were the finders of the body, whether killed in the same place where he or she was found; or if elsewhere, by whom, and how he or she was brought from thence, and of all circumstances relating to the said death; and if he or she died in prison, whether by hard usage there or not, and if so, how, and by whom, and if he or she, put an end to his or her own life, then to enquire of the manner, means, or instrument, and of all circumstances concerning it.

Section: 8. Be it further enacted. That it shall be lawful for every coroner to issue process for witnesses, commanding them to come before him to be examined, and to declare their knowledge concerning the matter in question; and the said coroner shall administer to every witness, an oath or affirmation in form following:

"You solemnly swear (or affirm) that the evidence which you shall give to this inquest on behalf of the nation, touching the death of C. D. (or person unknown, as the case is), shall be the truth, the whole truth, and nothing but the truth."

Section: 9. Be it further enacted. That if any be found guilty by inquisition, taken in manner directed by this act, and be not in custody, the coroner shall forthwith issue his warrant to apprehend the person so found guilty, and the accessories if any; and the person accused, if apprehended,

shall forthwith be taken before some Justice of the
peace of the county where the offence was committed,
to be dealt with according to law.

Section: 10 Be it further enacted. That every coroner,
upon any inquisition before him found, whereby
any person or persons shall be charged or accused
of murder or manslaughter, or as accessory or
accessaries to the said crime of murder or man-
slaughter, either before or after the commission
thereof, shall put in writing so much of the evidence
given to the Jury before him, as shall be material;
and every such coroner is hereby authorized and
required to bind all such, by recognizance, as do
declare anything material to prove the said murder
or manslaughter, or to prove any person or persons
to be accessory or accessaries, as aforesaid, to the
said murder, to appear at the next Circuit Court
to be holden within the county, where the trial
thereof shall be, then and there to give evidence
against such offender or offenders, at the time of
his, her, or their trial, and shall certify, as well
the same evidence, as such recognizance or recogni-
zances in writing, as he shall take, together with
the inquisition before him taken and found, to
the said Circuit Court, at or before the time of the
trial of the party so charged or accused.

Section: 11. Be it further enacted. That if any coroner
be remiss, and do not take inquisition as aforesaid,
or do not certify as is before directed, or shall
offend in anything contrary to the true intent
and meaning of this act, he shall for every
such offence, forfeit and pay

hundred dollars, to be recovered by action of debt, in any court of competent jurisdiction in this nation; one half thereof to the use of the informer, the other half to the county, for county purposes.

Section: 12. Be it further enacted. That if any person be dangerously wounded, the party accused shall be taken immediately, and kept until it be known perfectly whether he who is hurt shall recover or not; and if he die, the offender shall be kept; and if he recover of the wound, the offender shall enter into a recognizance to appear at the next Circuit Court of the county, to answer ^{for} the offense.

Section: 13. Be it further enacted. That if any slave or slaves shall be found guilty by the inquisition taken, as aforesaid, of murder or manslaughter, or as accessory thereto, either before or after the commission of the crime, such inquisition, and all matters relating thereto, shall be returned by the coroner to the Circuit Court of the county where the offense is charged to have been committed.

Section: 14. Be it ^{further} enacted. That if upon a murder, or other untimely or accidental death, there be no coroner within the county where such case shall happen, or if, from sickness or other cause the coroner cannot be had, in due time, to hold an inquest upon the body of any person so coming to an untimely death, it shall be lawful for any Justice of the peace in such county, to do and perform all the duties appertaining to the office of coroner in such case, and shall be entitled to the same fees, and the inquest so taken and returned, shall be as effectual in law, as if taken and returned by the

coroner.

Section: 15. Be it further enacted, That if there shall, from any cause whatever, be a vacancy in the office of Sheriff in any county within this ^{nation} ~~State~~, or the Sheriff be a party, or interested in any suit, or for other just cause is rendered incapable to execute his office in any particular case, the coroner of such county shall, during such vacancy, or in the cases wherein such Sheriff is disqualified to act, as aforesaid, execute, do and perform all the duties which appertain to the office of Sheriff; and in every case, when, by such vacancy, or exception to the Sheriff, any writ, of what nature soever the same may be, shall be delivered to the coroner of such county to execute, such coroner shall do and perform all things by virtue of such writ, which the Sheriff himself might or ought to have done, had there been a Sheriff duly qualified, or no just exception had existed against him, according to the nature of the case; and, in case of any neglect or breach of his duty, such coroner shall be subject to the same pains, penalties, fines, forfeitures, and damages, and to the same proceedings, judgment and execution, as Sheriffs are subject to in like cases. And upon every execution issued against a coroner, upon any judgment obtained against him for breach or neglect of his duty, the Clerk shall endorse that "No security is to be taken".

Section: 16. Be it further enacted, That in all cases wherein a summary remedy is given against any coroner

the like remedy may be had against such coroner and his sureties, jointly or severally, and against the executors and administrators of such coroner and his sureties.

Section: 17. Be it further enacted. That the coroners of the several counties within this nation, shall have power to appoint one or more deputies, in like manner as sheriffs are by law authorized to appoint deputies, who shall have full power and authority to do and perform all the several acts and duties enjoined upon their principals, except only the taking of an inquisition. And every coroner shall have the same remedy against his deputies, or either of them, for a breach or neglect of duty, whereby such coroner may become liable to the party aggrieved, by the misconduct of such deputy, as is given by law to sheriffs against their deputies in like cases.

Section: 18. Be it further enacted. That in every case where there shall be just cause of exception to the sheriff and coroner of any county, by reason of their being parties to, or interested in any suit, or there be no coroner qualified to act in any county, every writ or process in such cases, of what nature soever the same may be, shall be directed to a Justice of the peace of the county where such exception or vacancy may happen, who shall be bound to execute the same, and to do and perform all things by virtue of any such writ or process, which the sheriff or coroner might or ought to ~~do~~ ^{have} done, had there been no just cause of exception against him or them, or no such vacancy had occurred. And in case of any neglect or breach of his duty, such Justice of the peace shall be subject to the same pains,

penalties, fines, forfeitures, and damages, and to the same proceedings, judgment and execution, as sheriffs and coroners are subject to in like cases; and on every execution issued against such Justice of the Peace, upon any judgment obtained against him for breach or neglect of such duty, the clerk shall endorse that "No security is to be taken".

Section: 19. Be it further enacted. That in case the sheriff, for any cause, shall be committed to jail, the coroner shall, by himself, or such person as he shall appoint, be keeper of the jail during the time the sheriff shall remain a prisoner.

Section: 20. Be it further enacted. That when an inquest shall be held upon the body of any person, who has died by the violence of another, the coroner shall be paid his legal fees from the treasury of the nation, and the verdict of the jury, certified by the clerk of the Circuit Court, shall be a sufficient voucher to the National Auditor; and when an inquest shall be held upon the body of any person who has died by casualty, or suicide, the coroner shall be paid his legal fees from the county treasury, where the act was committed, upon a warrant from the Board of Police.


Section: 21. Be it further enacted. That in all cases when the duties of sheriff shall devolve on any of the coroners of this nation, by the death, resignation, or removal of any of said sheriffs, it shall be the duty of any of said coroners, before entering upon the duties of the office of sheriff, to enter into the same bond, with the same security,

which by law said sheriff was bound to enter
into, whose office has become vacated; and any act
of the said coroner, which may be done by him in
said capacity, before entering into said bond, is
hereby declared void.

Section: 22. Be it further enacted. That all acts or parts
of acts heretofore passed coming in any manner in
conflict with this act be and the same are hereby repealed
and that this act take effect and be in force from and
after its passage.

approve Alfred, Wade

Nov 23 1857



An act entitled An act to provide for, and prescribe the manner of filling vacancies in public offices in this nation & directing a special election therein.

Section: 1 Be it enacted by the General Council of the Choctaw Nation That when any vacancy shall occur in any national or ~~district~~ office in this nation by death resignation, removal, or otherwise, when the unexpired term of the office so vacated shall not exceed one year, the same shall be filled by executive appointment: and whenever any vacancy shall occur in any such office when the unexpired term thereof shall have more than one year to run, it shall be the duty of the Governor when notified of such vacancy or vacancies, to issue a writ or writs of election, requiring an election to be held to fill the unexpired term of said office in the particular district or in the nation, as the case may be, which election shall be held, in the case of filling any vacancy in the office of a district office on thirty days notice, and in the case of a national office, on sixty days notice: Provided, however, That the Governor of the nation may make a temporary appointment to any office a vacancy in which occurs, to have effect and be in force until the election so ordered by him, shall have been held, and the successor, or person elected to the office be duly qualified in the manner prescribed by this act.

Section: 2. Be it further enacted. That when any office shall become vacant from any of the causes aforesaid, in the case of a county office, it shall be the duty of the presiding officer of the board of county police of any county in which such vacancy may occur, within five days thereafter, to order an election

to be held in said county to fill such vacancy on ten days notice; which order shall be entered upon the minutes of said board, and may be so made by the presiding officer either in term time or in vacation, and shall be in the nature of a writ of election, and in the form of such used by the Governor of the nation; and in case any vacancy happen in the office of the presiding officer of the board of county police, or he be absent, sick or otherwise unable to perform said duty, it shall, and may be lawful for any other member of the board to make the order for said election; and it shall be the duty of the presiding officer, or any member of said board, in case of his absence or inability to act to notify the Governor of the result of said election, naming the person having the highest number of votes, if he be an officer entitled to a commission, and the person so elected shall be commissioned by the Governor as such officer, for the unexpired term prescribed by the constitution; and in case the officer be not entitled to a commission by the constitution or laws of this nation, the said board of police shall have power to give him such credentials of office, and after such form as the board may adopt, upon the hand of the presiding officer and his seal.

Section 3. Be it further enacted: That in those counties and precincts or districts where the elections failed in August last, as directed by the constitution, the Governor is hereby specially authorized and requested to issue writs of election to some ^{one} reliable citizen, to be by him named, in each county of the nation, requiring them to hold an election, appoint & swear the judges and clerks thereof, within the county where such citizen resides, respectively, the first Wednesday, the second day of December next, to fill each and every office in the

and prescribed by the constitution and laws, which the returns in the office of the National Secretary, show have not been filled by the elections held on the 5th day of August last; and that said election shall be held at the places in each county where the last election therein was held, and in the manner prescribed by the existing election laws, and the returns thereof, made immediately thereafter, by such citizen, aforesaid, to the National Secretary.

Section: 4. Be it further enacted That each and every person elected as aforesaid, upon return being made thereof as aforesaid, shall be commissioned by the Governor, if entitled by law to a commission, and if not so entitled, the National Secretary is hereby directed to issue a certificate of election to such person; and in either case aforesaid, the person so elected to any office shall hold such office only until the next regular election as fixed by the constitution and laws, for each particular office, and the Commission, or Certificate herein directed to be issued shall so state; and said persons so elected to office shall, upon the receipt of a commission or certificate, as the case requires, enter upon the discharge of the duties of their office respectively, in the manner prescribed by the laws defining the duties of said officers.

Section: 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.

Nov 3 1857 } approved Alfred. Wade

An act entitled an act establishing the fees of certain officers therein named.

Section: 1 Be it enacted by the General Council of the Choctaw Nation That it shall be lawful for the Clerks of the ~~Appellate~~ Circuit Courts, Clerks of the Probate Courts, Sheriffs, coroners, constables, Judges of Probate, Justices of the peace, respectively, to demand, receive, and take, the several fees, hereinafter mentioned, and allowed for any business by them respectively done by virtue of their several offices, and no more; that is to say:

To Clerks of the Circuit Courts, in Civil cases

For each writ, other than those hereinafter mentioned	75
Docketing each cause (to be charged but once)	12½
Filing all papers in each case	25
Entering its appearance	12½
Entering each motion, rule or order	12½
Declaration in ejectment	1.00
Entering nonsuit, discontinuance, or <u>writte prosequi</u>	12½
Swearing each witness	6¼
Entering each continuance	12½
Writ Facias, in every cause tried by a Jury	12½
Writ Facias (except against Jmor, when excused)	1.00
Swearing and empannelling every Jury	12½
Receiving and entering verdict	12½
Entering each Judgment in Court	25
Each subpoena for one witness	25
And for every other name inserted	6¼
Entering surrender of principal by bail	25
Commission to take depositions	50
Copies thereof, for every hundred words	10
Taking a recognizance	50
Each execution	50
For certificate to witness, each to be taxed in the bill of costs	12½

Each separate certificate, (except to jurors) .25

In Criminal Cases.

For entering, sending indictment, or filing information .25

Each writ, other than herein after named .50

Arraigning prisoner and entering plea .50

Taking recognizance .50

Swearing and empannelling every jury .25

Entering judgment or verdict, each, .25

Swearing every witness .64

Each subpoena, with one name .25

and for every other name inserted .64

Each motion or order .12 1/2

Termin Facias in each cause tried .50

all copies, each one hundred words .10

Each Certificate .25

For all public services not herein particularly provided for, the clerks shall, at each term, exhibit a detailed fee bill, to be examined by the District attorney previous to allowance by the court; and the court is hereby authorized to allow the same, not exceeding ten dollars, to be paid out of the county treasury

To Clerks of the Probate Court

For like services by them performed, the same fees as are by law allowed to the clerks of the Circuit Court.

For recording each deed, Bill of Sale or other conveyance, for each hundred words .10

Certifying the official acts of a Justice of the peace, or other certificate with seal .50

Registering the probate of any will or testament, and for letters testamentary thereon .1.0

Recording a will, testament or codicil, for every hundred words .10

Administering oath to executors, administrators, collectors or guardians, taking bond and recording the same	1.00
Letters of administration, collection or guardianship, and order granting the same	1.00
Order, appointing appraisers of an estate & copy	.50
Ordering an inventory, appraisement for executors, administrators, collectors or guardians' accounts, for every hundred words	.10
Recording certificate of marriage	.50
Recording & filing Officers' bonds	1.00
<u>For the Sheriff</u>	

For executing the process, judgments or decrees of a Circuit Court and for similar services in other Courts

For leaving execution	1.00
Entering each writ in his office	.20
Returning execution	.20
Each bail bond or recognizance	.50
Summoning each witness	.50
For making due to purchase	2.00
Each days attendance on Probate Court	2.00
Attending prisoners on habeas corpus each day in vacation	2.00
Each commitment or release	1.00
Feeding a prisoner each day	.40
Serving a declaration in ejectment and copy thereof	1.00
Advertising runaway slave	2.00
Taking bonds of every kind, each	.50
Executing death warrant, to be paid out of the national treasury	5.00

for a prisoner every mile going and returning	.10
Empannelling a Jury in each case, when a Jury is sworn	.25
Collecting money, by virtue of an execution, for the first one hundred dollars, three per cent; for all sums above one hundred dollars, and not exceeding two hundred dollars, two per cent; and for every one hundred dollars over in said execution, one and one half per cent	
Whipping person by order of Court	2.00
Whipping slave by order of Court, to be paid by the owner	1.00
Serving an attachment for contempt & returning the same	1.00
Feeding runaway slave, per day in Jail	.40
Summoning a special Jury	2.00
For empannelling Grand Jurors, advertising and attending elections, serving all public orders of courts in his county, and for all other public services not otherwise provided for, a sum not exceeding twenty dollars for each year, to be allowed by the Circuit Court, and paid out of the county treasury; <u>Provided</u> , That no fees shall be allowed for service of civil process, against a delinquent juror, if not fined by the court.	
For executing all process, orders, and citations of all Probate Court, the same fees as are allowed for similar services in a Circuit Court of law.	

in the Supreme Court.

For an arrest	1.00
Docketing process and return thereof	.20
Serving <i>habeas corpus</i> or Summons	.50
For all other services required by the Sheriff in the Supreme Court, the fees shall be the same as are allowed for similar services in the Circuit Courts.	

De Coroners

For taking inquisition on a dead body, to be paid as by law provided	10.00
For all services done by them, the same fees as are allowed to Sheriffs for similar services	

De Constables

For serving each warrant or summons	.50
Summoning each witness	.20
For executing a mittimus in criminal cases	.50
Whipping a slave by Justice order, to be paid by the owner	1.00
Serving each warrant in criminal cases	1.00
Leaving execution, and making money thereon	1.50
Summoning coroner's inquest, to be paid by the National Treasury	2.00
Conveying a criminal to jail, per mile	.10
Each day attendance on Supreme or Circuit Court, to be paid out of the National Treasury; Provided, only one constable shall attend the Supreme Court	1.00

De Proxies of Probate

For examining, reporting, and stating each account of an executor, administrator,	
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Executors or guardian, for the first shut	1.00
Every shut more than one contained in such account	.50
Each order for advertising, issuing citations, or other notice or process	.50
Each order for the appointment of Commissioners, or the representation of an estate being insolvent	1.00
Appointment of an insolvent estate among creditors	1.50
Granting letters testamentary, letters of administration or guardian's help	.75
Examining and allowing each claim against estate of a deceased person	.12
<u>For Justices of the Peace</u>	
For celebrating the rites of matrimony and certificates thereof	2.00
Each mittimus or recognizance	.25
Each warrant in criminal cases	.50
Each subpoena	.25
Warrant or summons in civil case	.50
Proceedings thereon to judgment	.25
Each execution	.25
Each appeal with the proceedings, bond and certificate	1.00
Each certificate not otherwise provided for	.25
Taking deposition each 100 words	.10
Each affidavit not otherwise provided for	.12½
Issuing commission to take depositions in each cause	.25
Taking the proof of any deed, mortgage or other instrument of writing	.50

and all services as a matter public in all
cases

Section: 2. 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 Alfred W. Hodge