

No 27

An Act entitled an  
Act defining the crime  
of incest and affixing  
a punishment therefor

Laid upon the Table

Passed the Senate

Jonapi Chommah

President

Oct. 25<sup>th</sup> / 1858

passed in the House

Representatives

Oct 26<sup>th</sup> 1858

with amendment

W. R. Buck

J. R. R.

Reconsidered and passed

Jonapi Chommah



An act entitled an act defining the crime of incest and affixing a punishment therefor

Section 1. Be it enacted by the General Council of the Choctaw Nation, That if any person shall marry within the degree prohibited by law, or conviction thereof, they shall be fined <sup>two</sup> hundred dollars, or <sup>on each</sup> ~~imprisoned in the county or~~ <sup>or receive one hundred lashes, well</sup> laid on ~~their bare back, not~~ <sup>or both</sup> ~~to extend for not longer than three years;~~ and such marriage is declared void.

Section 2. Be it further enacted, That if any persons who have been divorced for incest, shall after such divorce, cohabit or live together as man and wife, such persons so offending, shall be deemed guilty of incest, and fined, on conviction, ~~two~~ <sup>receive two hundred</sup> hundred dollars, or ~~imprisoned in~~ <sup>or receive two hundred</sup> ~~lashes, during, two~~ <sup>lashes, during, two</sup> ~~years, or both, at the discretion of the Court.~~ <sup>years, or both, at the discretion of the Court.</sup>

Section 3. 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of acts heretofore passed coming in any manner in conflict with the provisions of this act be, and the same is hereby repealed and this act shall take effect from and after its passage.

Approved  
 25th October 1838  
 Sandy Walker  
 Gov Choctaw Nation

No 28

An act entitled an  
act defining the crime  
of larceny and declaring  
the punishment therefor

Laid on the table

25<sup>th</sup> October 1858

Taken up on the 25<sup>th</sup> October

Passed in the Senate

25<sup>th</sup> October 1858

Tannupiahoomah<sup>his</sup> X

mark  
President of the Senate

and the act approved November 14th 1855  
"in relation to stealing negroes and other prop-  
erty," coming in any manner in conflict with  
the provisions of the act, be and the same are hereby  
repealed, and that this act take effect and be in  
force from and after its passage.

Approved  
26th October 1858  
Tandy Walker  
Gov Choctaw Nation

An act, entitled an act, granting Jos. D Davis the privilege to erect a bridge on Middle Boggy and establish a toll gate.

Section 1. Be it enacted by the General Council of the Choctaw Nation, That the privilege is hereby granted to Jos. D Davis to establish a toll gate on Middle Boggy at or near his present place of residence upon the following condition and terms; That if the said Jos. D. Davis shall, well and truly erect or cause to be erected a bridge across said Middle Boggy. Shall be entitled to demand and receive there for from all persons passing over the same except from citizens of this Nation; the rates of toll to wit; For each four wheeled waggon or other vehicle drawn by four or more horses, mules or oxen, with driver the sum of fifty cents, for each four wheeled waggon or other vehicle drawn by one or two horses, mules or oxen, with driver the sum of twenty five cents, for each man and horse ten cents for each animal in every drove of cattle horses, hogs and sheep one cent

Sec 2. Be it further enacted, That if any person or persons not citizens of this Nation, refuse to pay toll aforesaid, upon application with proper proof being made to any justice of the peace, said justice shall give judgment with fifty per cent damages on the amount found due and shall issue a writ directed to any constable, who shall proceed to seize sufficient property belonging to such person or persons and sell the same upon ten days notice at public sale to satisfy the principal found due damages and costs; or complaint may be

Made for redress to the United States agents

Sec 3. Be it further enacted, that the privilege to receive toll here in given shall take effect and be in force whenever the said Gov. Davis shall well and truly meet or cause to be erected a good and substantial bridge and so long as he keeps the same in good order and be responsible for all damages to any persons or persons crossing the same with the property but shall in no manner be responsible for any damages that happen to citizens of this Nation. Provided the privilege here in granted shall not continue for a longer time than six years.

Sec 4. Be it further enacted, that this act take effect and be in force from and after its passage.

In witness whereof

Approved  
12<sup>th</sup> October 1858  
Jandy Walker  
Gov Choctaw Nation

No 29

No 29  
An act. entitled  
An act. Granting  
to Jos. D. Davis the  
privilege to erect a  
toll bridge on  
Middle Boggy  
and establish a  
Toll gate

passed the House of  
Representatives  
Oct 26<sup>th</sup> 1858.

M. Reebuck  
Speaker

Passed the Senate  
Oct 26/1858

Truapichonma  
President of  
the Senate  
ref

An Act entitled an act defining the crime of Larceny and declaring the punishment therefor.

Section 1. Be it enacted by the General Council of the Choctaw Nation, That every person who shall be convicted of taking and carrying away feloniously, the personal property of another, of the value of twenty five dollars, or more, shall be guilty of grand larceny ~~and shall be branded~~  
~~on the forehead with the letter T~~ and shall return such property or pay the value thereof, and shall receive one hundred lashes, well laid on the bare back, <sup>and on conviction of a second offence of Horse Stealing shall</sup> ~~and for~~ suffer death by Hanging.

Section 2. Be it further enacted, That if any person shall feloniously take, steal, and carry away, any personal property of another, under the value of twenty five dollars, he shall be deemed guilty of petit larceny, ~~and shall be~~  
~~branded in the palm of one hand with the letter T~~ and shall return or pay for the property so stolen <sup>and shall receive, not more than one hundred</sup> lashes, at the discretion of the court.

Section 3. Be it further enacted, That every person who shall be guilty of feloniously taking and carrying away, any slave or slaves, the property of another, shall, upon conviction thereof, be ~~incarcerated in the penitentiary~~ <sup>caused to return or pay for the property so stolen</sup> ~~with the letter T~~ and shall receive one hundred lashes well laid on the bare back, and on conviction for a second offence, of a like nature shall suffer death by hanging.

Section 4. Be it further enacted, That the stealing and carrying away or fraudulently with, drawing, concealing, or destroying, or taking away, by any person, any record, paper, or proceeding of a court of Justice, or any paper or proceeding filed or deposited with any officer, or in any public office, shall



be deemed larceny without reference to the value of the record, Paper, or proceeding, so stolen, taken away or destroyed, ~~and shall be punished by imprisonment being branded on the palm of one hand with the letter F~~ and shall receive thirty nine lashes, well laid on the bare back

Section 5. Be it further enacted, That the buying or receiving; in any manner, or on any consideration, any personal property of any value, feloniously taken away from another, knowing the same to have been so taken, ~~shall be punished by being branded in the palm of one hand with the letter F~~ and shall receive one hundred lashes, well laid on the bare back

Section 6. Be it further enacted, That if any person shall be guilty of stealing, or selling any free person for a slave, knowing the said person, stolen or sold, to be free, and shall thereof be convicted, such person ~~shall be branded on the forehead with the letter F~~ shall receive one hundred lashes, well laid on the bare back.

Section 7. Be it further enacted, That if any person shall be guilty of stealing, or selling any stray animal, knowing the said animal, stolen or sold, <sup>to be a stray</sup> and shall thereof be convicted, shall be deemed guilty of larceny without reference to the value of such animal, ~~and shall be branded in the palm of one hand with the letter F~~ and receive one hundred lashes, well laid on the bare back

Section 8. Be it further enacted, That all acts or parts of acts heretofore passed, particularly the acts approved October 1834, punishing theft