An act entitled an act defining the duties of the office of Sheriff in the several counties of the Choctaw Nation

Section 1. Be it enacted by the General Council of the Choctaw Nation That there shall be elected by the qualified electors of each county in this nation at the time and place of holding the general elections, one Sheriff for each county within this nation, who shall be commissioned by the Governor, and shall continue in office for the term of two years, unless sooner removed; and before he enter on the duties of his office, he shall take the oath prescribed in the constitution, before any Judge or 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 such county in the penalty hereinafter specified, payable to the Governor of the nation for the time being, and his successor in office; the condition of which bond shall be in the form, or to the effect following, to wit: "The condition of the above obligation is such, that whereas the above bound ——— ———, was duly elected by the qualified electors of the county of ——, Sheriff of said county, at an election held therein on the ——— day of ———, for the term of two years; now, therefore, if the said ———, shall well and truly collect all fines and forfeitures, accruing to, or becoming due to the nation, or any county within the same, which may lawfully come into his hands for collection, against any person or persons residing or being found within the county of which he is Sheriff, and shall punctually pay all such fines and forfeit

the Sheriff of the County of Sambris in five hundred dollars, the Sheriff of the County of Shellyville in fifteen hundred dollars. the Sheriff of the County of Sugar loaf in one thousand dollars. the Sheriff of the County of Gaines in five hundred dollars. the Sheriff of the County of Tobakey in five hundred dollars the Sheriff of the County of Wade in five hundred dollars. the Sheriff of the County of Nashoba in five hundred dollars. the Sheriff of the county of Eagle in one thousand dollars. the Sheriff of the county of Bokloke in one thousand dollars. the Sheriff of the County of Red River in one thousand dollars the Sheriff of the county of Towson in fifteen hundred dollars, the Sheriff of the County of Cedar in one thousand dollars the Sheriff of the county of Jackson five hundred dollars. the Sheriff of the County of Atoka in five hundred dollars the Sheriff of the county of Kiamishia in fifteen hundred dollars. the Sheriff of the county of Blue in one thousand dollars the Sheriff of the county of Cooper in five hundred dollars

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who shall thereupon issue his writ of election directed to the Coroner or any Justice of the Peace of county wherein such failure or refusal

following penalties, to wit: The Sheriff of the county of San Bois, in One Thousand dollars; the Sheriff of the county of Skully ville, in Three Thousand dollars; the Sheriff of the county of Sugar Loaf, in Two Thousand dollars; the Sheriff of the county of Gains, in One Thousand dollars; the Sheriff of the county of Tobuksy, in One Thousand dollars; the Sheriff of the county of Wade, in One Thousand dollars; the Sheriff of the county of Sasakoba, in One Thousand dollars; the Sheriff of the county of Eagle, in Two Thousand dollars; the Sheriff of the county of Saktakla, in Two Thousand dollars; the Sheriff of the county of Red River, in Two Thousand dollars; the Sheriff of the county of Towson, in Three Thousand dollars; the Sheriff of the county of Cedar, in Two Thousand dollars; the Sheriff of the county of Jackfork, in One Thousand dollars; the Sheriff of the county of Atoka, in One Thousand dollars; the Sheriff of the county of Skamishi, in Three Thousand dollars; the Sheriff of the county of Blue, in Two Thousand dollars; the Sheriff of the county of Cooper, in One Thousand dollars.

Section 3. Be it further enacted, That if the candidate having the greatest number of votes as Sheriff of any county in this nation, shall fail or refuse to take the oath of office, and give bond, as by this act is directed, for the space of ten days after he shall have been duly elected, and notified thereof officially, such election is hereby declared void, and it shall be the duty of the President of the Board of Police to certify the fact to the Governor, who shall thereupon issue his writ of election directed to the Coroner, or any Justice of the Peace of the county wherein such failure or refusal

may happen, commanding him to hold an election according to law, on a day therein specified, to supply the vacancy occasioned thereby.

Section: 4. Be it further enacted That in case the securities, or either of them, of any sheriff, shall remove his or their residence out of this state, permanently, or shall become insolvent, it shall be the duty of the President of the Board of Police, on satisfactory proof of such removal or insolvency, to notify such sheriff to appear before him at a day and place therein named, within twenty days thereafter, to give a new bond with other good and sufficient security, in a penalty equal to that of the former bond, with the like condition; and if such sheriff shall refuse or neglect so to do, the said president of the board of police shall certify the fact to the governor, who shall forthwith vacate the commission of the sheriff so refusing or neglecting, and issue his writ of election in manner aforesaid, to supply the vacancy. And if any sheriff shall be found by inquest according to law, and idiot, lunatic, or non compos mentis, during the period for which he is appointed, the Governor shall issue his writ of election as in other cases, for the election of a new sheriff.

Section: 5. Be it further enacted That if any sheriff elect shall presume to execute the office of sheriff, before he shall have given bond and taken the oath of office agreeably to the direction of this act, all such his acts and proceedings, done under color of office, shall be absolutely void,

and he shall, for such offence, be liable to be indicted for a misdemeanor, and on conviction thereof, before any court of competent jurisdiction, fined in any sum not exceeding five hundred dollars.

Section 5. *Be it further enacted* That the Sheriffs of the several counties within this nation, shall have power to appoint one or more deputies, who shall have full power and authority to do and perform all the several acts and duties enjoined upon their principals; and every such appointment shall be by writing, under the hand and seal of the Sheriff. And every deputy Sheriff, before he enter on the duties of such office, shall take and subscribe, before a Judge of Probate or Justice of the Peace of the county, an oath or affirmation faithfully to execute the office of deputy Sheriff, according to the best of his skill and judgment; which appointment, with the certificate of the oath or affirmation thereupon endorsed and attested by the said Judge or Justice, shall be by such deputy Sheriff carefully filed and securely kept in the office of the clerk of the probate court, in and for the same county: *Provided*, That nothing in this section contained, shall be construed to prevent the Sheriff from removing his deputy or deputies at pleasure. And if any person, shall to execute the office of deputy Sheriff, before he shall have received an appointment as aforesaid, and taken the oath or affirmation of office, and filed the same appointment and certificate of such oath or affirmation in the clerks office

as aforesaid, then all such his acts and proceedings done under color of office, shall be absolutely void. And no person who may be deputed by any sheriff to do a particular act only, shall be required to take the oath directed by this act to be taken by deputy sheriffs.

Section 7. Be it further enacted That every sheriff by himself or his deputy, shall from time to time, execute all writs and other process, to him legally issued and directed, within his county, and shall make due return thereof to the proper court, on the day to which the same is returnable; and if any sheriff shall fail herein, or shall make a false return on any such writ or other process, issued and directed to him as aforesaid, such sheriff shall, for every such offence, be fined by the court into which such writ or other process is returnable, in any sum not exceeding one hundred dollars, on motion, reasonable notice being first given to the sheriff of such motion, one moiety thereof to the party grieved, and the other moiety to the nation for the use and benefit of a library fund; and such sheriff shall moreover, be liable to the action of the party injured by such default, for all damages which he, she, or they may have sustained thereby, and also to such other fines, penalties, and forfeitures as may be provided by law against sheriffs for failing to return writs or other process directed to them, or for making a false return thereon.

Section 8. Be it further enacted That the sheriff of any

county shall have the same remedy and judgment against his deputy, failing to pay the money by him received, on any execution or other process, to the sheriff, or the party to whom the same is payable, his agent or attorney, or suffering any person in his custody to escape, as the party for whose benefit such writ was issued, may have against the sheriff or his deputy, or the securities of such sheriff or deputy.

Section 9. And to prevent disputes between sheriffs and their several deputies, which of them may have acted in serving executions or other process: Be it further enacted, That when any deputy sheriff hath served any writ, execution or attachment, or other process whatever, he shall endorse on such writ or other process, the day of the month and year, he or they shall have served the same, and subscribe his name, as well as that of his principal, to the return of such writ or other process; and every deputy sheriff failing herein, shall be liable to the same penalty as is by this act inflicted on the sheriff for a false return, and to be recovered and appropriated in the same manner.

Section 10. Be it further enacted That where any fine, penalty, or judgment, ~~[illegible]~~ which may be assessed or rendered, against any sheriff, ~~[illegible]~~ his heirs, executors, or administrators, for, or on account of any default or misconduct of any deputy of such sheriff, it may be lawful for the court in which such fine, penalty, or judgment, may be assessed or rendered, upon motion to them made by such sheriff, his heirs, executors, or administrators, to give judgment against such deputy and his sureties,

their heirs, executors, or administrators, jointly and severally for the full amount of all such fines, penalties, or judgments, and to award execution for the same: Provided, such deputy and his securities, their heirs, executors, or administrators, have ten days previous notice of such motion.

Section II. Be it further enacted That every Sheriff, who shall have levied any writ of execution, or other process, on goods and chattels, which shall remain in his hands and possession, unsold, at the expiration of his term of service, shall be, and he is hereby required to deliver over such goods and chattels, so remaining unsold, to his successor in office, taking his receipt for the same; and it shall be the duty of the Sheriff, to whom such goods and chattels are delivered as aforesaid, to proceed to sell the same, in like manner as the predecessor ought to have done had he continued in office, and to account for pay the proceeds of such sale to the party or parties entitled thereto by law. And if any Sheriff shall fail or refuse to deliver over to his successor in office any goods and chattels so levied on, and remaining in his hands, as aforesaid, on demand thereof made, it shall be lawful for the party for whose benefit such writ of execution or other process issued, to move the court, from which the writ or process issued, against the Sheriff so failing or refusing, and his securities, their heirs, executors, or administrators; upon which motion judgment shall be entered up for the amount of the execution or other process, which came to the hands of such defaulting Sheriff, with interest at the rate of fifteen per centum per annum, from the

of such execution, or other process, and the
such motion: Provided, That such Sheriff
shall give reasonable notice of such motion.
Section 12 Be it further enacted. That every Sheriff
shall, at the expiration of his office, deliver all writs
in his possession, unexecuted, to his successor in office,
who shall give a receipt for the same, and shall
execute and return all such writs; and shall also
deliver to his successor a certified list of the names
of all persons confined in the Jail of his county, (when
there shall be one in each county, otherwise, in the
Jail of the Judicial Circuit in which his county is situated,
and the cause of commitment; a copy of which
list shall be filed in the office of the Clerk of the
Probate Court by the Sheriff receiving the same.
Section 13. Be it further enacted That it shall be
the duty of every Sheriff to keep the peace within
his county, by causing all affrays coming to
his view, to enter into recognizances, with sureties,
for keeping the peace, and appearing at the next Circuit
Court to be holden in the same county, and to commit
in case of refusal; which recognizance shall, by the
said Sheriff, be returned, and entered before the said
Court. It shall also be his duty to quell and suppress
all affrays, riots, routs, and unlawful assemblies; for
which end he shall be, and is hereby empowered to call
to his aid the power of the county. He shall pursue,
apprehend, and commit to Jail, all persons charged
with treason, felony, or other crimes; and he is hereby
authorized to take recognizances, with good and
sufficient security, of any person or persons whom
he may arrest on the process of a Circuit Court

or all persons introducing, buying, selling, trading, bartering, or giving away, the same.

Section: 16 Be it further enacted That when any Sheriff, or any of his deputies, find that resistance will be made against the execution of any process or order, the Sheriff, laying aside all other business, and taking with him the power of the county, shall forthwith go in his proper person and execute the same; and if he find resistance, he shall certify to the court, the names of the persons making such resistance, their aiders, assistants, favorers, and procurers, so that they may be proceeded against according to law.

Section: 17. Be it further enacted That all warants, ~~[illegible]~~ mittimusses, writs, proces, or precepts of any kind, or the attested copies thereof, by which any prisoner may be committed to or enlarged from any Jail in this nation, shall be regularly filed in their order of time, and safely kept by the Sheriff; and upon the death, removal, or resignation of any Sheriff, all said warants, mittimusses, writs, proces and precepts, or copies thereof, filed and kept as aforesaid, shall be delivered over to his successor in office, on demand by him made, under the penalty of one hundred dollars; to be recovered of the Sheriff so resigned or removed, or his executors or administrators in case of his death, by action of debt, before any court of competent Jurisdiction; one half to the use of the person suing for the same; and the other half to the use of the proper county.

Section: 18. Be it further enacted That the Sheriff

shall have cause to suspect such person or persons will attempt to escape, such Sheriff is hereby empowered and required to apply to any Justice of the peace of the county where such person or persons may be confined, who shall, on such application issue his warrant directed to the said Sheriff, requiring a sufficient guard for securing such prisoner or prisoners, so long as he, she or they continue in said Jail; to be paid by such county out of the county treasury, after the rate of fifty cents per man per day.

Section 22. Be it further enacted That when any person confined in Jail to answer any charge of the nature shall in the opinion of the Judge of the Circuit Court, and any Justice of the Peace who, with such Sheriff, shall examine the case of such prisoner, and in case they shall be of opinion that such prisoner is in need of medical or surgical aid, such Jailor shall notify the attend and administer medical aid to such prisoner, and in case such prisoner is unable to pay the costs, the account of such shall be examined by the National Attorney and by law, and the National Auditor authorized and required to issue his warrant in favor of such physician, for such sum as the National Attorney or District Attorney shall allow.

Be it further enacted