

TWIN TERRITORIES

Muskogee, Ind. Ter.,
April, 1902
Vol. 4, No. 4
MISS ORA V. EDDLEMAN, Editor

SOME EARLY CREEK LAWS

As TWIN TERRITORIES is published for the information and entertainment of the people of Indian Territory and Oklahoma, a few historical facts in the history of the Creek people may prove of interest to the general reader.

If it were possible to secure the facts a resume of the customs, laws and beliefs of the Creeks at the time of the discovery of this country by the Europeans would be very interesting, but unfortunately no reliable data can now be secured covering that period. From the earliest reliable history until about a third of a century ago, the Creeks supported a dual government; that is, they had two principal chiefs, two second chiefs and two sets of minor officers. These divisions were usually known as the Northern and the Southern Creeks, by reason of their country being divided into a Northern and a Southern district.

At the commencement of the civil war of 1861

the Creeks divided, a part going south to join the Confederacy and the others uniting with the Federals in the north. Each party claimed to be the Nation proper, and even proceeded to elect officers and to enact laws. The Southern Creeks appear to have had a majority of the intelligent citizens of the Nation, or at least they were the principal slaveholders and seemed to have turned their attention considerably to the political affairs of the people, even during the time when the war was at its height.

Laws are the outgrowth of the intercourse and the resultant necessities of the people; they are the embodiment of their sense of right and obligation.

The Southern Creeks made a treaty with the Confederate States and enacted a set of laws during the progress of the civil war. These laws were, no doubt, similar to the unwritten laws which had been in force prior to the war. A number of the most peculiar ones are quoted below:

"If any negro kills an Indian he or she shall suffer death, and if an Indian kills a negro he or she shall pay the owner his value, otherwise suffer death."

"Should one slave kill another, the slave killing shall receive one hundred lashes on the bare back,

and the slave killed shall be valued by disinterested men, and the owner of the surviving negro shall pay the owner of the deceased negro one-half his value."

"If any person get killed in a ball play, the person shall not suffer, but if any person shall kill another with a stick, kick or stamp, he shall suffer death."

"Should any person be guilty of stealing a horse, mule, jack, jinny or a cow, for the first offense he shall receive fifty lashes, for the second offense one hundred lashes and one ear cut off, and for the third offense suffer death."

"Should two persons swap horses and either of the party prove that he was drunk, the bargain shall not be good, provided he makes this known within five days."

"From and after the passage of this law no town or towns, person or persons, shall have power to keep any woman in widowhood exceeding twelve months from the death of her husband, and no male shall be kept in widowhood exceeding two months from the death of his wife."

"It shall not be lawful for any Indian man citizen of the Creek Nation to take a negro woman to wife, and any citizen who may be found guilty of the

violation of this law shall be striped with one hundred lashes on the bare back."

P. A.

Muskogee, Indian Territory.