

provide for the public defence, approved March 6th, 1861, be, and the same is hereby so amended as to apply also to companies received into service for duty as Heavy Artillery.

Act of 1861, May 10, amended so as to apply to companies received as Heavy Artillery.
To extend to companies of Light and Heavy Artillery.

SEC. 2. The provisions of this act and of the act of May 10th, 1861, shall extend to all companies of Light and Heavy Artillery, which are now in, or may be hereafter received into the service, and all acts or parts of acts in conflict therewith are hereby repealed.

APPROVED April 3, 1862.

CHAP. XVIII.—*An Act to remit the duty on Railroad iron sufficient to complete the Alabama and Mississippi Rivers Railroad.*

April 7, 1862.

The Congress of the Confederate States of America do enact, That the duty on Railroad iron sufficient to complete the road on the route from Selma in Alabama to Meridian in Mississippi, held in bond, or which may hereafter be imported, and procured for the purpose stated be, and the same is hereby remitted: Provide^d, such iron shall be imported or purchased and used solely for the purpose stated, within three months from the date of the passage of this act.

Duty on certain railroad iron, remitted.

Proviso.

APPROVED April 7, 1862.

CHAP. XIX.—*An Act to provide for the organization of the Arkansas and Red River Superintendency of Indian Affairs, to regulate trade and intercourse with the Indians therein, and to preserve peace on the frontiers.*

April 8, 1862.

The Congress of the Confederate States of America do enact, That the Superintendency of Indian Affairs, for all the Indian country annexed to the Confederate States, that lies west of Arkansas and Missouri, north of Texas, and east of Texas and New Mexico, is hereby continued, and shall be called the Arkansas and Red River Superintendency of Indian Affairs, and the Superintendent thereof shall reside at Fort Smith, or Van Buren, in the State of Arkansas, until otherwise ordered by the President; shall give bond to the Confederate States, with sufficient sureties, in the sum of fifty thousand dollars, conditioned like those of the agents hereinafter prescribed, and shall receive a salary of two thousand five hundred dollars per annum, and be allowed a clerk, at an annual compensation of one thousand dollars.

Arkansas and Red River Superintendency of Indian Affairs.

Bond.

Condition.

Duties.

SEC. 2. *And be it further enacted, That the Superintendent of Indian Affairs for the Arkansas and Red River Superintendency, shall, within his superintendency, exercise a general supervision and control over the official conduct and accounts of all officers and persons employed by the Government in the Indian Department, under such regulations as shall be adopted or established by the President of the Confederate States; and may suspend such officers and persons from their offices or employments, for reasons forthwith to be communicated to the Secretary of War.*

May suspend officers and others.

Indian Agents.

Bond.

SEC. 3. *And be it further enacted, That the following Indian Agents shall be continued or appointed by the President, each of whom shall give bond, with two or more sureties, to the Confederate States, in the penal sum of twenty thousand dollars, if he disburses annually more than fifty thousand dollars; and in ten thousand dollars, if he disburses annually less than fifty thousand dollars and more than twenty thousand*

dollars; and in the sum of five thousand dollars, if he disburses annually less than twenty thousand dollars; conditioned for the faithful performance of the duties of their office, and that he will faithfully disburse, pay out and apply all moneys placed in his hands as agent, and render true and just accounts, as provided by the regulations of the War Department, of the receipt and expenditure of all moneys and property of every description entrusted to him, or coming to his hands in his official capacity, and pay over all balances and deliver all property that may, at any time, remain in his hands, on the order or requisition of the War Department or Bureau of Indian Affairs; and each of such agents shall receive an annual compensation of fifteen hundred dollars; that is to say:

Osage Agency. An Agent for the Osages, Senecas, Senecas and Shawnees and Quapaws, whose agency shall be known as the Osage Agency;

Cherokee Agency. An Agent for the Cherokees, whose agency shall be known as the Cherokee Agency;

Creek Agency. An Agent for the Creeks, whose agency shall be known as the Creek Agency;

Seminole Agency. An agent for the Seminoles, whose agency shall be known as the Seminole Agency;

Choctaw and Chickasaw Agency. An agent for the Choctaws and Chickasaws, whose agency shall be known as the Choctaw and Chickasaw Agency;

Wichita Reserve Agency. An agent for the Wichitas, Comanches, Kichais, Huecos, Cado-hada-chos, Ta-hua-ca-ros, Ton-ca-wes, An-a dagh-cos, Ai-o-nais, Kickapoos, Shawnees and Delawares, in the country leased from the Choctaws and Chickasaws, whose agency shall be known as the Wichita Reserve Agency.

Discontinuance or transfer of agency. SEC. 4. *And be it further enacted,* That the President shall be, and he is hereby, authorized, whenever he may deem it expedient, to discontinue any Indian Agency, or to transfer the same from the place or Nation designated by law, to such other place or Nation, as the public service may require.

Where agent to reside. SEC. 5. *And be it further enacted,* That every Indian Agent shall reside and keep his agency upon the reserve selected for an agency, within the country of the Nation, or one of the Nations for which he may be agent, and shall not depart from the limits of such country at any time, or for any length of time, without the permission of the Superintendent, or of the Commissioner of Indian Affairs, granted for special and urgent reasons only, on penalty of immediate removal from office.

Limits of each agency. SEC. 6. *And be it further enacted,* That the limits of each agency shall be the country of the Nation, or Nations, for which it is established. **Duties of agents.** And it shall be the duty of each agent, within the limits of his agency, to manage and superintend the intercourse with the Indians, agreeably to law; to obey all legal instructions given to him by the Secretary of War, the Commissioner of Indian Affairs, or the Superintendent of Indian Affairs, and to carry into effect such regulations as may be prescribed by the President.

Additional security SEC. 7. *And be it further enacted,* That the President may at any time require additional security, and, in larger amounts, from all persons charged or entrusted, under the laws of the Confederate States, with the transportation, disbursement or application of money, goods or effects of any kind, on account of the Indian Department.

Interpreter allowed each agency. SEC. 8. *And be it further enacted,* That one interpreter shall be allowed to each agency, except that for the Wichitas and other bands, who shall receive an annual compensation of four hundred dollars; and that for the Wichita Agency one may be allowed for each

Compensation.

different language spoken, each of whom shall receive a compensation of four hundred dollars per annum; except those for the Comanches, and for the Wichitas, Hue-cos, and Ta-hua-ca-ros, each of whom shall receive a compensation of four hundred dollars per annum, or, in lieu of part of these, one interpreter may be employed for the Comanches, Wichitas, Hue-cos, Ta-hua-ca-ros, Cado-ho-da-chos, and An-a-dagh-cos, at a compensation of one thousand dollars per annum. These interpreters shall be selected by the Superintendent, on the recommendation of the respective agents, or upon his own knowledge of their competency and good character, and may be suspended by the agent, from pay and duty, the circumstances being by him reported to the Superintendent for final action. In the appointment of interpreters, preference shall be given to persons of Indian descent, and of the same nation, for which they are appointed, if such can be found, who are properly qualified for the execution of their duties.

Preference given to persons of Indian descent.

SEC. 9. *And be it further enacted*, That blacksmiths and wagon-makers shall, in like manner, be employed, wherever required by Treaty stipulations, and shall receive such compensation as may be fixed by treaties, or in the absence of such provision by treaty, an annual compensation of not more than seven hundred and fifty dollars; and if they furnish their shop and tools, an additional compensation of one hundred and twenty dollars per annum: and their assistants shall be allowed an annual compensation of two hundred and forty dollars; and whenever other mechanics, teachers or physicians are required by Treaty stipulations to be provided, they shall be, in like manner employed, and the male teachers shall receive an annual compensation of not more than one thousand dollars, female teachers an annual compensation of not more than six hundred dollars; physicians an annual compensation of not more than one thousand dollars, and mechanics an annual compensation of not more than seven hundred and fifty dollars. Farmers and laborers, required by Treaty stipulations to be furnished, shall be employed by the Agents, subject to the approval of the Superintendent, unless the Superintendent himself sees fit to employ them, which he may do; and their compensation shall not, in any case, be greater for farmers than six hundred dollars per annum, and for laborers, than forty dollars per month.

Blacksmiths and wagon-makers.

Compensation.

Their assistants.

Other mechanics, teachers or physicians. Compensation.

SEC. 10. *And be it further enacted*, That the salaries and annual compensations provided by this act shall be in full of all emoluments or allowances whatever, except such fees as are hereinafter specially allowed to be received: *Provided, however*, That reasonable allowances and provisions may be made for office rent and office contingencies; and that when the Superintendent or Agent is required, in the performance of the duties prescribed by this act, to travel from one place to another, he shall be allowed the same expenses of travel, or mileage and transportation, as may be allowed to officers of the army, and such additional allowance for transportation and expenses of traveling in the Indian country, as the Secretary may be satisfied is just; but *provided, also*, that no allowance shall be made to any such officer for travel or expenses, in going to the Seat of Government to settle his accounts, or returning therefrom, unless ordered thither for that purpose, by the Commissioner of Indian Affairs, or Secretary of War.

Salaries, &c., to be in full of all emoluments, except fees.

Proviso.

Proviso.

SEC. 11. *And be it further enacted*, That no person shall hold more than one office under this act at one and the same time; nor shall any Agent or Interpreter receive any salary or compensation, while absent from the Agency, without leave of the Superintendent or Commissioner of Indian Affairs; and if an Interpreter be absent, without leave of

No person to hold more than one office. Agent or Interpreter absent without leave, to receive no pay;

and Interpreter may be removed from office.

Superintendents, agents or interpreters, not to trade with Indians;

nor be concerned in any claims on behalf of the Indians; nor to receive any compensation for certain services.

Penalty.

Payments of annuities.

By whom payments of moneys to be made.

Penalty against Agent for embezzlement;

or for employing person employed by the government to assist the Indians;

or for receiving from contractor any share of profits.

the Superintendent or Commissioner, for more than sixty days, at any one time, it shall be sufficient cause of his removal from office.

SEC. 12. *And be it further enacted*, That no Superintendent, Agent or Interpreter, shall have any interest or concern in any mercantile establishment in the Indian country, or in any trade carried on with the Indians, under the penalty of immediate removal from office, and perpetual disqualification to hold any office under the Indian Bureau; and neither of them shall be concerned or interested in any claim on behalf of the Indians against the Confederate States, of any kind whatever, nor receive any compensation fee or gratuity whatever from the Indians, in any shape, manner or form, for any services in the presentation or recovery of any such claim, or the collection of any moneys from the Government, for individual Indians, or for the Nation; and any person so offending shall be deemed guilty of misdemeanor in office, corruption and extortion, shall be forthwith removed, and, upon conviction thereof by indictment, shall be punished by fine of not less than five hundred, nor more than five thousand dollars, and imprisonment not less than six months nor more than five years, and be condemned to make restitution of the whole amount of the compensation, fee or gratuity, so received, with interest at the rate of ten per cent. per annum from the time when he received the same; and shall also be forever disqualified to hold any office, civil or military, under the Confederate States.

SEC. 13. *And be it further enacted*, That payment of all annuities, and other sums of money, stipulated by treaty or directed by law, to be paid to the Cherokees, Creeks, Choctaws and Chickasaws, shall be made to the Treasurer of each Nation, or to such other person or persons, as the legislative power of each may direct; and the moneys so received shall be disposed of by the authorities of the Nation, without any interference on the part of any Department, Bureau or office of the Government of the Confederate States. Payments of all sums of money to be made to the Seminole Nation, and to any other tribes or bands of Indians in the said superintendency, shall be made to the Treasurer, Chiefs, or *per capita*, as the treaties may provide, or, in the absence of treaty provisions, as the Commissioner of Indian Affairs shall, in each case, direct.

SEC. 14. *And be it further enacted*, That all payments of moneys to any of said nations, tribes or bands, shall be made by such persons as the President shall designate for that purpose; and that he may, at his discretion, entrust military officers with such payments; in which case the duty shall be performed by them, without other compensation than the ordinary allowances for travel and transportation.

SEC. 15. *And be it further enacted*, That if any Agent of the Confederate States for any nation, tribe or band of Indians, shall convert to his own use, or improperly withhold from any of the Indians under his charge, any article, or any part or quantity of any article of provisions, clothing, merchandize, or other thing whatever, placed in his hands by the Government of the Confederate States, for distribution or delivery to such Indians, or any moneys, to any amount whatever, placed in his hands to be paid to them, or to be expended for their benefit, whether by the United States heretofore, or by the Confederate States heretofore or hereafter, or shall employ in his own private service and affairs any person employed by the Government to labor for or assist the Indians, or shall receive from any contractor any share of profits, per centage, compensation, or gratuity whatever, every such agent, so offending, shall be deemed guilty of felony, and on conviction thereof in the proper court, shall be fined not less than five

hundred, nor more than fifty thousand dollars, sentenced to make full restitution to the Confederate States, and be imprisoned, at hard labor, not less than two, nor more than ten years.

SEC. 16. *And be it further enacted*, That no exchange of funds shall be made by any superintendent or agent, or, by any other disbursing officer or agent of the Government, of any grade or denomination, whatsoever, employed in, or connected with the Indian service, other than an exchange for gold and silver, or Treasury notes; and every such disbursing officer, when the means for his disbursements are furnished him in gold and silver, shall make his payments in the identical moneys so furnished, or when those means are furnished to him in Treasury warrants or drafts, shall either cause such warrants or drafts to be presented at their place of payment, and properly paid, according to law, and shall make his payments in the identical moneys so received for the drafts furnished; unless, in either case, he can exchange the means in his hands, for the gold and silver, or other kind of funds, in which they are payable, at or for more than par; and any officer, in any way, violating the provisions of this section, shall be forthwith removed from office, and upon conviction thereof, upon indictment in the proper District Court, shall be punished by fine of not less than one thousand, nor more than ten thousand dollars, be imprisoned, not less than six months, nor more than two years, and be, thereafter incapable of holding any office of trust or profit, under the Confederate States.

No exchange of funds allowed except for gold and silver, or Treasury notes.

Payments to be made in the identical moneys or funds received.

Penalty for failure.

SEC. 17. *And be it further enacted*, That no superintendent, agent, or other officer mentioned in the sixteenth section of this act, shall either directly or indirectly sell or dispose of, to any person or persons, firm or corporation whatsoever, any Treasury note, draft, warrant, or other public security in his hands, as such officer, and not his private property, at par, where he can obtain a premium on the same, or for any less than the current premium, at the time and place; nor shall sell or dispose of any specie funds, with or without a premium, for any other funds; nor shall loan any of the funds in his hands to any person whatever, nor sell the same, or any draft, warrant, or other security, to any person whatever, upon time, or to receive the proceeds at a future day, however near; and if any such officer shall, in any way, violate the preceding provisions of this section, or shall receive, directly or indirectly, any premium whatever, upon the sale or disposition, or exchange, of any funds, specie, warrant, draft or security, by way of exchange, or otherwise, and shall not make true return of such premium so received, and account for the same, by charging it in his accounts to the credit of the Confederate States, he shall be forthwith dismissed from office; and shall, in addition, upon conviction upon indictment in the proper district court, be punished and become incapable, in the same manner as is provided in the sixteenth section of this act: *Provided*, That nothing in this act shall be so construed as to allow disbursing officers to make payment in any other funds than specie or Treasury notes.

Penalty against officers for selling or disposing of Treasury notes, drafts, warrants, etc.

To account for premium received.

Proviso.

SEC. 18. *And be it further enacted*, That the President shall be, and he is hereby, authorised to cause such rations as he shall judge proper, and as can be spared from the army provisions, without injury to the service, to be issued under such regulations as he shall see fit to establish; or beef and flour, in lieu thereof, to be purchased and issued by the officers commanding military posts, to Indians who may visit such posts, and by agents to those who may visit their agencies, and to councils called by authority of the Confederate States; and special accounts of these issues shall be kept and rendered, and the

Rations allowed Indians.

Special accounts thereof to be kept.

Secretary of War may authorise the agents for the Creeks, Seminoles, Osages and Reserve Indians to expend a sum not larger than three hundred dollars per annum, in furnishing provisions to Indians attending councils and payments of annuities: *Provided*, That no money shall be expended for this purpose which has not been previously appropriated by law.

Proviso.

Accounts of disbursements to be settled annually.

Copies of same to be laid before Congress.

Who not permitted to trade with Indians without license.

By whom license to be issued.

Proviso.

Term of license.

Renewal of license.

Person obtaining license to give bond.

Condition of bond.

When license may be revoked.

Trading without license.

SEC. 19. *And be it further enacted*, That all persons whatsoever, charged or entrusted with the disbursement or application of money, goods or effects of any kind, for the benefit of the Indians, shall settle their accounts annually at the War Department, on the first day of October; and copies of same shall be laid annually before Congress, at the commencement of the ensuing session, by the proper accounting officers, together with the list of the names of all persons to whom money, goods or effects had been delivered within the year, for the benefit of Indians, specifying the amount of each, and the object for which each sum or quantity was intended, and showing who are delinquents, if any, in forwarding their accounts, according to the provisions of this act; and also a list of the names of all persons appointed or employed under this act, with the date of appointment or employment of each, and the salary or pay of each.

SEC. 20. *And be it further enacted*, That no person, other than a member of the particular tribe or nation under treaty stipulations, or a member of another Indian nation or tribe, permitted to trade by the authorities of the nation or tribe, within whose limits he so trades, shall be permitted to trade with the Indians, in the Indian country aforesaid, without a license therefor from the agent for the nation or tribes in whose country the trade is to be carried on; and which license, in the Cherokee, Creek, Seminole, Choctaw and Chickasaw countries, must be granted by and with the advice and consent of the Legislature or General Council of such nation: *Provided*, That no license shall be necessary to authorise the selling from wagons, or otherwise, flour, bacon, fruits, and other provisions, brought from the Confederate States, or wagons, agricultural implements, domestic animals or arms brought from any of the same. Each license shall be issued for a term not exceeding three years; and all licenses granted before the passage of this act may be renewed by the agents, in their discretion, without the advice or consent of the legislature or council, to continue until the expiration of the year one thousand eight hundred and sixty-two.

SEC. 21. *And be it further enacted*, That the person or persons obtaining a license, must give bond in a penal sum not exceeding five thousand dollars, with one or more sureties, approved and certified to be sufficient, by the agent to whom the application is made, conditioned that such person or persons will faithfully observe and obey all laws and regulations for the government of trade and intercourse with the Indian tribes, adopted or enacted by the Confederate States, or any department thereof, and will, in no respect, violate the same. And the Superintendent of Indian Affairs shall have power to revoke and cancel any license whenever he shall be satisfied that the person licensed has violated any of the said laws or regulations, or that, for any other good reason, it would be improper to permit him to remain in the Indian country.

SEC. 22. *And be it further enacted*, That any person, other than a member of the nation or tribe, under treaty stipulations, or a member of another Indian nation or tribe, permitted to trade by the authorities of the nation or tribe within whose limits he so trades, who shall attempt to reside in any part of the Indian country as a trader, or to in-

roduce goods, or to trade therein, without a license duly obtained, shall forfeit all merchandise offered for sale to the Indians, or found in his possession, and shall, moreover, forfeit and pay the sum of five hundred dollars, to be recovered by action of debt, in the name of the Confederate States, or adjudged on conviction and forfeiture of the goods, one-half thereof to be paid to the informer, and the other half to the nation or tribe in whose country the offence is committed, to which nation or tribe also all the goods forfeited, and all wines and liquors confiscated, shall be given and belong.

Forfeiture.

SEC. 23. *And be it further enacted*, That no license to trade with Indians shall be granted to any person or persons other than a citizen or citizens of the Confederate States.

Licenses to be granted only to citizens of the U. S.

SEC. 24. *And be it further enacted*, That any agent may refuse an application for a license to trade, if he is satisfied that the applicant is a person of bad character, or that it would be improper to permit him to remain in the Indian country; or if a license previously granted to him has been revoked, or a forfeiture decreed of any bond previously given by him: *Provided*, That any person, whose application is thus denied, may appeal to the Superintendent of Indian Affairs, whose decision shall be final.

When agent may refuse application for license.

Proviso.

SEC. 25. *And be it further enacted*, That if any licensed trader shall purchase of an Indian any gun, or any instrument of husbandry, or blanket, cooking utensil, or other article, furnished the Indians by the Confederate States, his license shall be immediately revoked, and he shall forfeit and pay, for the use of such Indians, to the Confederate States, the sum of fifty dollars for every article so purchased.

Penalty against licensed trader for purchasing certain articles furnished the Indians.

SEC. 26. *And be it further enacted*, That no person, not being a member of the nation or tribe, or otherwise authorised by law or treaty, shall drive or otherwise convey, or cause, or permit to be otherwise conveyed, any horses, mules, or cattle, to range and graze in any part of the Indian country, without the consent of the authorities of the nation or tribe previously obtained, under the penalty of one dollar a head for each animal so pastured, which may be collected by the authorities of the nation, and payment enforced, if necessary, by the seizure of the cattle: *Provided*, That movers, and other persons driving stock through the country, may halt from place to place, for such reasonable length of time as will be sufficient to recruit their stock, but no longer, doing the same in good faith.

Ranging and grazing in Indian country

Penalty against

Proviso

SEC. 27. *And be it further enacted*, That the Superintendent of Indian Affairs, and each agent within his agency, shall have authority, and it shall be the duty of each, to remove from the Indian country all persons found therein contrary to law or treaty; and all other persons, not Indians, and not by birth and blood members of the particular nation, whose presence is, in his opinion, dangerous or mischievous; and shall have power to call upon the officer commanding any military post to aid him in so doing, and enforce his orders in that behalf: *Provided*, That the person so removed by an agent may appeal to the Superintendent, whose decision thereon shall be final.

Removal of inter-
deters.

Proviso.

SEC. 28. *And be it further enacted*, That the provisions of law invalidating any purchase of lands from an Indian nation or tribe, shall no longer be in force, in respect to the Cherokee, Creek, Seminole, Choctaw and Chickasaw Nations, each of which may, under special or general laws passed for that purpose, sell parcels of their lands, or convey parcels of the same by legislative grants, in fee simple, to individual purchasers or grantees; and such sales or grants shall be valid in law and equity, in the absence of fraud, and shall only be impeached in the same manner, as if they had been made by a State.

Sale of lands by certain Indian nations, made val-
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Penalty for attempting to cause infraction of Indian treaties, etc.

SEC. 29. *And be it further enacted*, That if any person shall send, make, carry or deliver any talk, speech, message or letter, to any Indian nation, tribe, band, chief or individual, with intent to produce a contravention, or infraction of any treaty, or other law of the Confederate States, or to disturb the peace and tranquillity of the Confederate States, or to make such nation, tribe, band, chief or Indian dissatisfied with their relations with the Confederate States, or uneasy, or discontented, the person so offending shall, on conviction thereof, be punished by fine not exceeding ten thousand dollars, nor less than two thousand dollars, and by imprisonment not less than two, nor more than ten years; and the intent above mentioned shall be conclusively inferred from the fact of knowledge of the contents of any such talk, speech, message, or letter in writing.

For correspondence with foreign powers, with such intent.

SEC. 30. *And be it further enacted*, That if any person, whether an Indian or a white person, shall carry on a correspondence, by letter or otherwise, with any foreign nation or power, or with any department or office of such foreign nation or power, with intent to induce such nation or power, department or office, to give assistance or encouragement to any Indian nation, tribe, chief or chiefs, individual or individuals, in waging war, or commencing, or continuing hostilities against the Confederate States, or in the violation of any existing treaty, or shall attempt to alienate the confidence of any Indian or Indians, from the Government of the Confederate States, he shall be punished, if the offence be committed in time of peace, as in the last preceding section is provided; and, if the offence be committed in time of war, with such foreign nation or power, the punishment thereof shall be death, to be inflicted as in other cases of capital offences.

For carrying on correspondence with any power with which the U. S. is at war.

SEC. 31. *And be it further enacted*, That any Indian of any Nation or Tribe, between which and the Confederate States a Treaty of friendship and alliance has been concluded, who shall while the Confederate States are at war with any other States, Nation or power, carry on any correspondence with such States, Nation or power, or any Department or office thereof, or shall attend any Council, or hold any talk or conference, in the Indian country or elsewhere, with any officer of such States, Nation or power, shall, on conviction thereof, be punished with death, to be inflicted as in other cases of capital punishment.

Emissaries from such powers, how punished.

SEC. 32. *And be it further enacted*, That any emissary from any State or States, nation or power, with which the Confederate States may be at war, found in the Indian Country, and any Indian therein apprehended, returning from any council, talk or conferences with any officer of the enemy, or after such return, shall be considered a spy, and punished by death by hanging, to be inflicted upon the sentence of a Military Court, to be ordered by the General commanding in such Indian country.

Twice the value of property stolen or injured to be paid to friendly Nations.

SEC. 33. *And be it further enacted*, That whenever the property of any member of a friendly Nation, or Tribe of Indians, is unlawfully stolen, taken, converted, destroyed or injured, by any white person, not a member by birth, adoption, or otherwise, of said Nation or Tribe, or by a member of any other friendly Indian Nation or Tribe, within the Indian country, if conviction be had of the person offending, for the crime, misdemeanor or trespass so committed, or recovery of damage therefor in a civil suit, the person so offending shall be sentenced or adjudged to pay the person injured a sum equal to twice the just value of the property so stolen, taken, converted or destroyed, or twice the amount of damages sustained by the injury of the same. And if the same cannot be recovered of the party, or if, for any cause, conviction or recovery cannot be had then, upon the said offence, and the

value of the property or the full amount of damage being established, upon investigation by the Agent of the Confederate States, for the Nation or Tribe, to which the person injured belongs, the full value of the property, or the full amount of damage sustained, with any other actual damage caused thereby, and interest and expenses, or so much thereof as cannot be collected of the party, shall be paid out of the Treasury of the Confederate States: *Provided*, That no person shall be entitled to such payment out of the Treasury, if he, or any of the Nation or Tribe, to which he belongs, shall have sought private revenge for the injury in question, or attempted to obtain satisfaction by violence or fraud.

Unless revenge be attempted.

SEC. 34. *And be it further enacted*, That if any member or members of any Indian Nation or Tribe, within the Indian country, shall unlawfully take, convert, destroy, or injure any property of any person lawfully within such country, or shall, in any one of the Confederate States, or in any Territory or Province of the Confederate States, or within the limits of any other Indian Nation or Tribe, steal, take, convert, destroy or injure any property belonging to any citizen or inhabitant of the Confederate States, or of any Territory or Province thereof, or of any member of any other friendly Nation or Tribe of Indians, other than that to which he or they belong, such citizen, inhabitant or member of a friendly Nation or Tribe, may, by himself, or by his attorney or agent, make complaint to the Agent of the Confederate States, for the Nation or Tribe to which the offender may belong, or to the Superintendent, who shall take and hear the proof of the truth of such complaint, and if satisfied of the truth thereof, and that the offender belongs to the Nation or Tribe alleged, shall demand prompt satisfaction from such Nation or Tribe; and if satisfaction be not made within the space of six months thereafter, by payment by the Nation or Tribe of the value of the property taken, stolen, converted or destroyed, and all actual damages and expenses sustained in consequence thereof, and interest on the said value from the time of taking or conversion, or of the amount of damage sustained by the injury done the property, with like actual damages, expenses and interest, then full report shall be made thereof to the Commissioner of Indian Affairs; and thereupon the amount so ascertained shall be directed to be deducted from any annuity or other moneys payable to said Nation or Tribe; or if there be none such, then the President shall take such other steps to enforce payment as may seem to him fit: and in the meantime, the amount shall be paid out of the Treasury of the Confederate States: *Provided*, That if such injured party, his representative, attorney or agent, shall, in any way, violate any of the provisions of this Act, by seeking revenge or redress by violence, or any other illegal means, he shall forfeit all his claim to indemnification; that any such claim, not presented to the Agent or Superintendent within three years, after the commission of the alleged injury, shall be forever barred; that nothing herein contained shall be construed to prevent the legal apprehension and punishment of any Indian, or member of any Nation or Tribe, that may so have offended; and that from the decision of the Agent, the complainant, or the Nation or Tribe may appeal to the Superintendent, and from his decision to the Commissioner of Indian Affairs, whose judgment shall be final in the premises: *Provided*, That the Indian country shall not be deemed to include the residence of Indian Tribes or persons within the limits of any of the Confederate States.

Persons to be indemnified for property destroyed by Indians.

If no revenge be sought.

Limitation.

How this act to be construed.

Appeal.

Proviso.

SEC. 35. *And be it further enacted*, That any proceeding instituted under the authority of the United States to obtain satisfaction in any

Proceedings under the authority of the U. S. to obtain satisfaction.

faction, how to be carried on.

case mentioned in the two preceding sections, shall be carried on and completed before the authorities of the Confederate States, as if no change of government had taken place; and that if any final order or adjudication had been made in any such case, by the proper officer of the United States, before the assumption of jurisdiction by the Confederate States, on the twenty-first day of May, eighteen hundred and sixty-one, the same shall still be deemed and taken as final, and be carried out, as if made by the same officer of the Confederate States.

Punishment for forging or counterfeiting coin, or the securities of the Confederate States;

robbing the mail and other offences.

SEC. 36. *And be it further enacted*, That so much and such parts of the laws of the Confederate States, as provide for punishing the counterfeiting the coin of the United States, or any other current coin, and the uttering such forged or counterfeit coin, or the counterfeiting or forging the securities of the Confederate States, and the uttering such forged or counterfeit securities, and the robbing of the mail, and for punishing the violations of the neutrality laws, and resistance to the process of the Confederate States, and all the provisions of the acts of the Provisional Congress, providing for the common defence and welfare, so far as the same are not legally inapplicable, shall hereafter be in force in the Indian country; and offences against the same by any person whatever, shall be punished by indictment in the proper court of the Confederate States having jurisdiction.

Laws of the Confederate States punishing felonies, declared to be in force in the Indian country.

Proviso.

SEC. 37. *And be it further enacted*, That so much of the laws of the Confederate States, as provide for the punishment of forgery or counterfeiting, perjury, subornation of perjury, rape, arson, shooting with intent to kill or maim, burglary, robbery, larceny, or any other crime amounting to felony at common law, or by statute, committed in any place whatever, within the sole and exclusive jurisdiction of the Confederate States, shall be in force in the Indian country: *Provided*, That none of the same shall extend or apply to crimes committed by a member of any Tribe or Nation, by birth, adoption or otherwise, as hereinafter defined, or by any negro or mulatto, bond or free, against the person or property of a member of the same, or any other Nation or Tribe, by birth, adoption, or otherwise, as hereinafter defined, or of any negro or mulatto, bond or free; but these offences shall be within the sole and exclusive jurisdiction of the Tribunals of the Nation or Tribe, within whose country they are committed; excepting, however, such offences, when committed in the Choctaw and Chickasaw country, west of the ninety-eighth parallel of longitude, by an Indian of any one of the Bands settled therein, against the person or property of such a member of the Choctaw and Chickasaw Nation, or by such a member of one of these Nations against the person or property of an Indian of any one of these Bands, as to which offences so committed, the said laws shall be in force, and the offenders be tried therefor in the proper court of the Confederate States.

Penalty against gaming.

SEC. 38. *And be it further enacted*, That, if any person, not being a negro or mulatto, or a member by birth, adoption, or otherwise, as hereinafter defined, of the Nation or Tribe in which the act is committed, shall, in the Indian country, open, exhibit and deal at, or be interested in, by furnishing means, or sharing the profits of the game, any game of faro, monte, or other banking game; at which game betters bet against the game, bank or dealer, or shall set up, exhibit and permit to be bet against, at, or upon, or be interested, by furnishing means, or sharing the profits in any roulette table, or other table, or game of like nature, at which game or table, any person shall bet money, checks or counters, representing money or any other thing of value, or shall bet on credit; every such person shall be deemed guilty of an offence against the Confederate States, cognizable upon indict-

ment or presentment by the District Court having jurisdiction over such Indian country, and upon conviction, shall be fined one thousand dollars, and imprisoned at hard labor not less than ninety days, nor more than two years; and it shall be the duty of the Agent, if he becomes cognizant of the carrying on of any such game or table, to arrest the parties and seize all the tables, boxes and other implements used, and all checks and moneys found thereon and therein; as also any civil officer of the proper Nation may do; all which articles and money, when seized, shall belong, one-half to the officer seizing the same, and one-half to the Nation wherein they are seized. And any officer of the Nation arresting such person shall deliver him to the Agent, who shall investigate the case, and commit, bail, or discharge, as in other cases; but no person so arrested and bailed shall be permitted to remain in the Nation, but shall forthwith be removed therefrom.

Duty of agents and officers.

Forfeiture.

SEC. 39. *And be it further enacted*, That if any person who has taken, or is concerned in any contract with the Confederate States, or with any agent or officer thereof, for furnishing provisions to any Indians whatever, shall be guilty of defrauding them by the issue of a less quantity than they, or any part or one of them, are or is entitled to, and receiving pay for the quantity which should have been issued, or of receiving pay in any otherwise, for issues not made, or provisions not issued, such person shall be deemed guilty of felony, and, on conviction thereof in the proper Court, shall be fined not less than five hundred, nor more than ten thousand dollars, sentenced to full restitution to the Confederate States, and be imprisoned at hard labor not less than two, nor more than twenty years.

Punishment of contractors for fraud.

SEC. 40. *And be it further enacted*, That if any person shall convey, transport or introduce, or attempt to convey, transport or introduce, by land or water carriage, into any Indian Nation or Tribe, for the purposes of sale, exchange, barter or traffic, or knowing that the same is intended to be sold, exchanged, bartered or trafficked, anywhere in the Indian country, any spirituous or intoxicating liquors or mixtures, or wines of any kind or description whatever, (unless the same are provided and to be used by some licensed trader, druggist, apothecary or physician, for purposes purely medicinal,) every person concerned in such offence shall forfeit and pay a fine of not less than five hundred, and not more than two thousand dollars, upon indictment or presentment before the proper court, to be paid, one-half to the informer, and the other half to the Nation or Tribe, into the country whereof such introduction was effected or attempted, and be imprisoned not less than three months, nor more than one year.

Penalty for selling liquors to Indians.

SEC. 41. *And be it further enacted*, That if the Superintendent of Indian Affairs, or the agent for any Nation or Tribe, or any Commanding officer of a military post, or any judge or commissioner of a court of the Confederate States is informed, or has reason to suspect, that any person whatever has introduced, or is about to introduce, any spirituous or intoxicating liquors or mixtures, or any wine, into any part of the Indian country, in violation of this Act, it shall be the duty of such superintendent, agent, officer, judge or commissioner, in accordance with such regulations as may be established by the President of the Confederate States, to cause the houses, stores, boats, wagons, carriages, packages and other places of deposit of such person to be searched; and if any such liquors, mixtures or wine are found, all the goods of such person of which they form a part, the boats on which they are found, the wagons, carriages and packages conveying or containing the same, to an amount not exceeding twenty times the value

Introducing liquors into the Indian Territory.

Duties of Superintendents, Agents, &c.

Searches and seizures.

Forfeiture.

of the said liquors, mixtures and wine, shall be seized and delivered to the proper officer, and be proceeded against by libel in the proper court, and forfeited to the use of the Nation or Tribe into which the same is introduced, or attempted to be introduced; and if the person offending is a licensed trader, his license shall be forthwith revoked, and suit instituted on his bond. And it shall, moreover, be lawful for any person in the civil or military service of the Confederate States, or for any Indian, a member by birth, adoption or otherwise, of any Indian Nation or Tribe, to take and destroy any such liquors, mixtures or wine found in the Indian country in violation of this Act.

Liquors may be distrained.

Punishment for selling liquors under fraudulent pretences.

SEC. 42. *And be it further enacted*, That if any licensed trader, or any other person (other than a member by birth, adoption, or otherwise, of any Indian Nation or Tribe) shall, within the limits of such Nation or Tribe, sell, under the pretense of a gift, or otherwise, to any Indian, or exchange or barter with any Indian, of either sex, and of full or mixed blood, any intoxicating liquor or mixture, or any wine, in any quantity, large or small, such person shall, on conviction thereof, upon indictment, be punished by fine of not less than five hundred dollars, and imprisoned not less than ten days nor more than six months, which fine shall be paid, one-half to the informer and the other half to the Nation or Tribe, as other fines.

Proceedings against property seized.

SEC. 43. *And be it further enacted*, That when goods, liquors or other articles whatever are seized for any violation of this Act, they shall be proceeded against in the manner directed to be observed in the case of goods, wines or merchandize brought into the Confederate States in violation of the Revenue Laws.

Penalty for manufacturing liquors in the Indian Country.

SEC. 44. *And be it further enacted*, That if any person whatever shall, within the limits of the Indian country, set up or continue any distillery for manufacturing ardent spirits, he shall forfeit and pay a penalty of one thousand dollars, on indictment, for such offence, and the buildings so used, with the still and all other furniture and contents shall be confiscated, one-half the penalty to the informer, and the other half, with the buildings, still, furniture and contents to the Nation or Tribe; and it shall be the duty of the Superintendent, or proper agent, to seize and turn over the same to the Nation or Tribe.

How to be recovered.

SEC. 45. *And be it further enacted*, That for any penalty accruing under this Act, the informer may sue and recover the same in an action of debt, *qui tam*, in the name of the Confederate States, before any court having jurisdiction of the same in any State or District in which the offender may be found to be served with process.

Duties of the military in enforcing this Act.

SEC. 46. *And be it further enacted*, That it shall be lawful for the military force of the Confederate States, to be employed in such manner and under such regulations as the President may direct, and upon the requisition of a Superintendent, or of an Agent, in the apprehension of any person offending against any provision of this Act, or found in the Indian country, in violation of its provisions, or of any Treaty stipulation, and him immediately to convey from such country, and dispose of, as directed by the proper officer, or authority, to be proceeded against, if the case require it, in due course of law; and also in the examination and seizure of stores, boats, wagons, carriages and packages, authorized by this Act, and in preventing the introduction of persons and property into the Indian country contrary to law; which persons and property shall be proceeded against according to law: *Provided*, That no person apprehended by military force as aforesaid, shall be detained longer than five days after the arrest, and before removal. And all officers and soldiers, who may have such person or persons, in custody, shall treat them with all the humanity, which the circum-

Treatment of person arrested.

stances will possibly permit ; and every officer and soldier, who shall be guilty of maltreating any such person, while in custody, shall suffer such punishment as a court martial shall direct.

SEC. 47. *And be it further enacted*, That every person shall be considered a member of the Cherokee, Creek, Seminole, Choctaw and Chickasaw Nations, for the purposes of this act, whose mother was a member of the same, or whose father was so, though married to a white woman, if both were domiciled in the nation when the party was born, and if such party still resides therein ; or who has with his or her consent, been adopted by the act of the legislature or general council of the nation, and therein continues to reside ; or who has married a member of the nation, and is settled and resides therein ; or who is permanently domiciled therein with the consent of the nation, and is permitted to vote at elections.

Who considered members of the Indian nations.

SEC. 48. *And be it further enacted*, That the reservations or selections for military posts and forts in the Indian country, shall be within the sole and exclusive jurisdiction of the Confederate States, as also shall the reservations for agencies in the several nations and tribes ; and that all the laws of the Confederate States in force, in any other place within such sole and exclusive jurisdiction shall be in force within the limits of all such reservations and selections, and offences committed therein be punished accordingly : *Provided*, That as to all members of the nation, within whose limits any agency reservation is situated, who commit any offence therein against any law of such nation, upon the person or property of any other member of such nation, or against its police regulations, the laws of such nation shall govern, and they shall or may be punished thereunder, by the tribunals of the nation.

Exclusive jurisdiction of the C. S.

Proviso.

SEC. 49. *And be it further enacted*, That whenever any person, who is a member of any Indian nation or tribe, shall be indicted for any offence in any court of the Confederate States, he shall be entitled, as of common right, to subpoena, and if necessary, compulsory process for all such witnesses in his behalf, as his counsel may think necessary for his defence, and the cost of process for such witnesses, and of service thereof, and the fees and mileage of such witnesses shall be paid by the Confederate States, being afterwards made, if practicable, in case of conviction, of the property of the accused. And whenever the accused is not able to employ counsel, the court shall assign him one experienced counsel for his defence, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court, and paid upon the certificate of the judge.

Rights secured to party indicted.

When court may assign counsel.

SEC. 50. *And be it further enacted*, That the provisions of all such acts of the Congress of the Confederate States, as may now be in force, or as may hereafter be enacted, for the purpose of carrying into effect the provisions of the Constitution, in regard to the redelivery or return of fugitive slaves, or fugitives from labor and service, shall extend to, and be in full force, within the said Indian country ; and shall also apply to all cases of escape of fugitive slaves from any Indian nation or tribe into any other Indian nation or tribe ; or into one of the Confederate States, the obligation upon each such nation, tribe or State to redeliver such slaves, being, in every case, as complete as if they had escaped from another State, and the mode of procedure the same.

Certain acts of Congress declared to be in force in the Indian country.

To apply to fugitive slaves.

SEC. 51. *And be it further enacted*, That if any person charged with a violation of any provision of this act, shall be found within any of the Confederate States, or any territory or province of the same, he shall be there apprehended and transported to the proper jurisdiction for trial.

Apprehension and transportation of persons to proper jurisdiction for trial.

Protection against unlawful aggression or invasion.

SEC. 52. *And be it further enacted*, That each agent shall be empowered to protect citizens of the Confederate States, and members of any other Indian nation, peaceably and legally within the nation, for which he is agent, and not subject to its jurisdiction and laws, against any unlawful aggression upon or invasion of their rights, by individuals, or by the authorities of the nation. He shall have power to remove dangerous or improper persons, other than members of the nation by birth and blood, beyond the limits of the nation, subject only to an appeal to the superintendent; and to hear complaints of citizens of the Confederate States, in reclamation of property lost, strayed or stolen, to examine testimony, and cause immediate restoration of such property, subject only to the like appeal to the superintendent, whose decision shall be final, saving the right of the parties to seek redress through the courts of competent jurisdiction. And for all these purposes the agent shall have power to call upon the commander of any military post for aid and assistance.

Removal of dangerous or improper persons.

Reclamation of property, lost, strayed or stolen.

Military aid may be invoked.

Power given agent to enforce the laws against the introduction of liquors.

SEC. 53. *And be it further enacted*, That each agent shall also have power to enforce the laws of the Confederate States, in regard to the introduction of spirituous liquors into the nations or tribes, for which he is agent, by seizure of the same, and apprehension and commitment of the persons offending; to issue his warrant for the apprehension of such persons, and of persons charged with any other offence against the laws of the Confederate States, or of any State of the same; and to call to his assistance for the execution of the same, and of any warrant of commitment, or other process, for parties or witnesses, the troops of the Confederate States.

Armed police.

SEC. 54. *And be it further enacted*, That each agent may, with the approval of the superintendent, and when there are no troops of the Confederate States within his jurisdiction, keep in pay an armed police, composed of members of the nation or tribe, for which he is agent, not exceeding twenty-five in number, for such times and at such rate of compensation, as shall be sanctioned by the superintendent, whenever it may be necessary to preserve peace and order, or to enforce the laws of the Confederate States, by whom the expense of such police force shall be paid.

Their number and compensation.

General duties of agents.

SEC. 55. *And be it further enacted*, That each agent shall be, within the limits of the country of the nation or tribes for which he is agent, *ex officio*, a commissioner in civil and criminal cases, of the courts of the Confederate States, with power and authority to take the testimony of witnesses, upon commission or otherwise; to administer oaths and receive affidavits; to cause to be apprehended persons charged with offences against the laws of the Confederate States, or of any State of the same, and found within his agency, to examine them and hear the witnesses, and thereupon to commit, bail or discharge the parties, and take recognizance of witnesses to appear at the proper time to testify; to perform all the duties of commissioner under the laws, for the rendition of fugitives from justice and fugitive slaves; to receive the authentication by oath, of accounts and claims against the Government, and all papers and pleadings needing to be sworn to in the courts of the Confederate States, and of all other papers whereto, by any regulation of any department of the Government, an oath or acknowledgment is required; and to perform the marriage ceremony, and to do and perform such other acts as a magistrate and notary public may do and perform, in any place under the sole and exclusive jurisdiction of the Confederate States; and may act as commissioner of any one or more of the Confederate States, to administer oaths, take depositions, and receive acknowledgments of deeds; and full faith and credit shall be

given to all his acts and certificates, done and given within the purview of this act.

SEC. 56. *And be it further enacted*, That each agent shall be, *ex officio*, ancillary administrator of all the goods and chattels, rights and credits, within his agency, of all citizens of the Confederate States, or persons, other than members of the nations or tribes, for which he is agent, who may die therein, with power to collect and take possession of the same, to sell such portions as may be perishable, and the rest to keep and preserve, and the whole to turn over and account for, to the regular administrator or executor in the proper jurisdiction.

To act as ancillary administrator.

SEC. 57. *And be it further enacted*, That for all services so performed, each Agent shall receive from the parties, and the Confederate States, respectively, such fees as shall be fixed in the proper Courts, or by the regulations to be prescribed by the Secretary of War, or by the laws of the State, for which he may be commissioned; and shall receive no other or larger fees or allowances, nor any gratuities whatever, under the penalty of being deemed guilty of corruption and extortion in office.

Fees for services.

SEC. 58. *And be it further enacted*, That the Secretary of War shall be, and he is hereby authorized and required to continue, adopt or prescribe such rules and regulations, as he may think fit, for carrying into effect, the various provisions of this act, and of any other act relating to Indian affairs, and for the settlement of the accounts of the Indian Bureau; and also such forms, as may be necessary or proper therefor; and when he shall have completely revised and arranged the same, to cause them to be printed in convenient form, and furnished to all officers, and persons, who are to be governed or directed thereby. From the time of the promulgation whereof, all former rules and regulations in regard to Indian affairs, shall be deemed and taken to be rescinded.

Secretary of War, to prescribe certain rules and forms;

the same to be printed and distributed.

SEC. 59. *And be it further enacted*, That all acts or parts of acts, contrary to the provisions of this act, are hereby repealed.

Laws repealed.

APPROVED April 8, 1862.

CHAP. XX.—*An Act relative to the estimates of the heads of the several departments.*

April 9, 1862.

The Congress of the Confederate States of America do enact, That it shall be the duty of the heads of the several departments to communicate to the Secretary of the Treasury the estimates of their respective departments thirty days prior to the assembling of Congress; and the Secretary of the Treasury shall submit said estimates, together with the estimates for his own department, to the President, ten days prior to the opening of the session of Congress.

Estimates of heads of departments to be communicated to Secretary of Treasury.

Secretary to submit same, with the estimates of his Department, to the President.

SEC. 2. *Be it further enacted*, That it shall be the duty of the several heads of departments, in case of estimates made during the session of Congress, to furnish the Secretary of the Treasury duplicates thereof, who shall report thereon to Congress the ways and means to provide for the same.

Duplicates to be furnished Secretary, of estimates made during session of Congress.

APPROVED April 9, 1862.

CHAP. XXI.—*An Act to authorize the advance of a certain sum of money to the State of Missouri.*

April 9, 1862.

The Congress of the Confederate States of America do enact, That the Secretary of the Treasury be authorised to issue to the State of Missouri the sum of one million of dollars, authorised by an act enti-

Advance of a certain sum of money to the State of Missouri.