



readmission. Moreover, the Legislature shall have power to adopt such laws and regulations, as its wisdom may deem expedient and proper, to prevent the citizens from monopolizing improvements with the view of speculation.

ARTICLE II.

Sec. 1. THE POWER of this Government shall be divided into three distinct departments;—the Legislative, the Executive, and the Judicial.

Sec. 2. No person or persons, belonging to one of these Departments, shall exercise any of the powers properly belonging to either of the others, except in the cases hereinafter expressly directed or permitted.

ARTICLE III.

Sec. 1. THE LEGISLATIVE POWER shall be vested in two distinct branches; a Committee, and a Council; each to have a negative on the other, and both to be styled, the General Council of the Cherokee Nation; and the style of their acts and laws shall be,

“RESOLVED by the Committee and Council in General Council convened.”

Sec. 2. The Cherokee Nation, as laid off into eight Districts, shall so remain.

Sec. 3. The Committee shall consist of two members from each District, and the Council shall consist of three members from each District, to be chosen by the qualified electors of their respective Districts for two years; and the elections to be held in every District on the first Monday in August for the year 1828, and every succeeding two years thereafter; and the General Council shall be held once a year, to be convened on the second Monday of October in each year, at New Echota.

Sec. 4. No person shall be eligible to a seat in the General Council, but a free Cherokee Male citizen, who shall have attained to the age of twenty-five years. The descendants of Cherokee men by all free women, except the African race, whose parents may be or have been living together as man and wife, according to the customs and laws of this Nation, shall be entitled to all the rights and privileges of this Nation, as well as the posterity of Cherokee women by all free men. No person who is of negro or mulatto parentage, either by the father or mother side, shall be eligible to hold any office of profit, honor or trust, under this Government.

Sec. 5. The Electors, and members of the the General Council shall, in all cases except those of treason, felony, or breach of the peace, be privileged from arrest during their attendance at election, and at the General Council, and in going to, and returning from, the same.

Sec. 6. In all elections by the people, the electors shall vote *viva voce*. Electors for members to the General Council for 1828, shall be held at the places of holding the several courts, and at the other two precincts in each District which are designated by the law under which the members of this Convention were elected; and the District Judges shall superintend the elections within the precincts of their respective Court Houses, and the Marshals & Sheriffs shall superintend within the precincts which may be assigned them by the Circuit Judges of their respective Districts, together with one other person, who shall be appointed by the Circuit Judges for each precinct within their respective Districts; and the Circuit Judges shall also appoint a clerk to each precinct.— The superintendents and clerks shall, on the Wednesday morning succeeding the election, assemble at their respective Court Houses and proceed to examine and ascertain the true state of the polls, and shall issue to each member, duly elected, a certificate; and also make an official return of the state of the polls of election to the principal Chief, and it shall be the du-

ly of the Sheriffs to deliver the same to the Executive Office; *Provided nevertheless*, The General Council shall have power, after the election of 1828, to regulate by law the precincts and superintendents and clerks of elections in the several Districts.

Sec. 7. All free Male, citizens, (excepting negroes, and descendants of white and Indian men by negro women, who may have been set free,) who shall have attained to the age of eighteen years, shall be equally entitled to vote at all public elections.

Sec. 8. Each House of the General Council shall Judge of the qualifications, elections, and returns, of its own members.

Sec. 9. Each House of the General Council may determine the rules of its proceedings, punish a member for disorderly behaviour, and, with the concurrence of two thirds, expel a member; but not a second time for the same cause.

Sec. 10. Each House of the General Council, when assembled, shall choose its own officers; a majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalty, as each house may prescribe.

Sec. 11. The members of the Committee shall each receive from the public Treasury a compensation for their services, which shall be *two dollars and fifty cents* per day during their attendance at the General Council; and the members of the Council shall each receive *two dollars* per day, for their services during their attendance at the General Council:—*Provided*, That the same may be increased or diminished by law, but no alteration shall take effect during the period of service of the members of the General Council, by whom such alteration shall have been made.

Sec. 12. The General Council shall regulate by law, by whom and in what manner, writs of elections shall be issued to fill the vacancies which may happen in either branch thereof.

Sec. 13. Each member of the General Council, before he takes his seat, shall take the following oath, or affirmation; to wit: "I, A. B. do solemnly swear (or affirm as the case may be) that I have not obtained my election by Bribery, Treaties, or any undue and unlawful means used by himself, or others by my desire or approbation, for that purpose; that I consider myself Constitutionally qualified as a member of \_\_\_\_\_; and that, on all questions and measures which may come before me, I will so give my vote, and so conduct myself, as may, in my judgment, appear most conducive to the interest and prosperity of this Nation; and that I will bear true faith and allegiance to the same, and to the utmost of my ability and power observe, conform to, support, and defend the Constitution thereof."

Sec. 14. No person who may be convicted of felony before any court of this Nation, shall be eligible to any office or appointment of honor, profit or trust, within this Nation.

Sec. 15. The General Council shall have power to make all laws and regulations, which they shall deem necessary and proper for the good of the Nation, which shall not be contrary to this Constitution.

Sec. 16. It shall be the duty of the General Council to pass such laws as may be necessary and proper, to decide differences by arbitrators to be appointed by the parties; who may choose that summary mode of adjustment.

Sec. 17. No power of suspending the laws of this Nation shall be exercised, unless by the Legislature or its authority.

Sec. 18. No retrospective law, nor any law impairing the obligations of contracts shall be passed.

Sec. 19. The Legislature shall have power to make laws for laying and collecting taxes, for the purpose of raising a revenue.

Sec. 20. All bills making appropriations shall originate in the Committee, but the Council may propose amendments or reject the same.

Sec. 21. All other bills may originate in either house, subject to the concurrence or rejection of the other.

Sec. 22. All acknowledged Treaties shall be the Supreme law of the land.

Sec. 23. The General Council shall have the sole power of deciding on the construction of all Treaty stipulations.

Sec. 24. The Council shall have the sole power of impeaching.

Sec. 25. All impeachments shall be tried by the Committee;—when sitting for that purpose, the members shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two thirds of the members present.

Sec. 26. The Principal Chief, assistant principal Chief, and all civil officers, under this nation, shall be liable to impeachment for any misdemeanor in office; but Judgment, in such cases, shall not extend further than removal from office, and disqualification to hold any office of honor, trust or profit, under this Nation. The party; whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment and punishment, according to law.

[TO BE CONTINUED.]