

CONSTITUTION OF THE CHEROKEE NATION,

Formed by a Convention of Delegates from the several Districts, at New Echota, July 1827.

ARTICLE IV.

Sec. 1. The Supreme Executive Power of this Nation shall be vested in a Principal Chief, who shall be chosen by the General Council, and shall hold his office four years; to be elected as follows,—The General Council, by a joint vote, shall, at their second annual session, after the rising of this Convention, and at every fourth annual session thereafter, on the second day after the Houses shall be organized, and competent to proceed to business, elect a Principal Chief.

Sec. 2. No person except a natural born citizen shall be eligible to the office of Principal Chief; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years.

Sec. 3. There shall also be chosen at the same time, by the General Council, in the same manner, for four years, an assistant Principal Chief.

Sec. 4. In case of the removal of the Principal Chief from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the assistant principal Chief, until the inability be removed or the vacancy filled by the General Council.

Sec. 5. The General Council may, by law, provide for the case of removal, death, resignation or inability of both the Principal and assistant Principal Chiefs, declaring what officer shall then act as Principal Chief, until the disability be removed, or a Principal Chief shall be elected.

Sec. 6. The Principal Chief and assistant Principal Chief, shall, at stated times, receive for their services, a compensation, which shall neither be increased nor diminished during the period for which they shall have been elected; and they shall not receive, within that period, any other emolument from the Cherokee Nation, or any other government.

Sec. 7. Before the Principal Chief enters on the execution of his office, he shall take the following oath, or affirmation; I do solemnly swear (or affirm) that I will faithfully execute the office of Principal Chief of the Cherokee Nation, and will, to the best of my ability, preserve, protect and defend, the Constitution of the Cherokee Nation."

Sec. 8. He may, on extraordinary occasions, convene the General Council at the Seat of Government.

Sec. 9. He shall from time to time give to the General Council information of the State of the Government, and recommend to their consideration such measures as he may think expedient.

Sec. 10. He shall take care that the laws be faithfully executed.

Sec. 11. It shall be his duty to visit the different districts, at least once in two years, to inform himself of the general condition of the Country."

Sec. 12. The assistant Principal Chief shall, by virtue of his office, aid and advise the Principal Chief in the Administration of the Government, at all times during his continuance in office.

Sec. 13. Vacancies that may happen in offices, the appointment of which is vested in the General Council, shall be filled by the Principal Chief, during the recess of the General Council, by granting Commissions which shall expire at the end of the next Session.

Sec. 14. Every Bill which shall have passed both Houses of the General Council shall, before it becomes a law, be presented to the Principal Chief of the Cherokee Nation. If he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journals, and proceed to reconsider it. If, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. If any bill shall not be returned by the Principal

thority, as many Justices of the Peace as it may be deemed the public good requires, whose powers, duties and duration in office, shall be clearly designated.

Sec. 8. The Judges of the Supreme Court and Circuit Courts shall have complete criminal Jurisdiction in such cases & in such manner as may be pointed out by law.

Each Court shall choose its own Clerks for the term of four years; but such Clerks shall not be continued in office unless their qualifications shall be adjudged and approved of, by the Judges of the Supreme Court, and they shall be removable for breach of good behaviour at any time, by the Judges of their respective courts.

Sec. 10. No Judge shall sit on trial of any cause, where the parties shall be connected with him by affinity or consanguinity, except by consent of the parties. In case all the Judges of the Supreme court shall be interested in the event of any cause, or related to all, or either, of the parties, the Legislature may provide by law for the selection of three men, of good character and knowledge, for the determination thereof, who shall be specially commissioned by the Principal Chief for the case.

Sec. 11. All writs and other process shall run, in the name of the Cherokee Nation, and bear test, and be signed by the respective clerks.

Sec. 12. Indictments shall conclude, "against the peace & dignity of the Cherokee Nation."

Sec. 13. The Supreme Court shall hold its Session annually at the Seat of Government to be convened on the second Monday of October in each year.

Sec. 14. In all criminal prosecutions, the accused shall have the right of being heard, of demanding the nature and cause of the accusation against him, of meeting the witnesses face to face, of having compulsory process for obtaining witness in his favour; and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; nor shall he be compelled to give evidence against himself.

Sec. 15. The people shall be secure in their persons, houses, papers and possessions from unreasonable seizures and searches, and no warrant to search any place or to seize any person or things, shall issue without describing them as nearly as may be, nor without good cause, supported by oath, or affirmation. All prisoners shall be bailable by sufficient securities, unless for capital offences, where the proof is evident, or presumption great.