

Original document, 1839

THE

CONSTITUTION AND LAWS

OF THE

CHEROKEE NATION:

PASSED AT

TAH-LE-QUAH, CHEROKEE NATION,

1839.

187

WASHINGTON:

PRINTED BY GALES AND SEATON.

1840.

1875
0872
Indian Nations

Cherokee

E 23

Q 50452

1

ACT OF UNION

BETWEEN

THE EASTERN AND WESTERN CHEROKEES.

WHEREAS our Fathers have existed, as a separate and distinct Nation, in the possession and exercise of the essential and appropriate attributes of sovereignty, from a period extending into antiquity, beyond the records and memory of man: **AND WHEREAS** these attributes, with the rights and franchises which they involve, remain still in full force and virtue, as do also the national and social relations of the Cherokee people to each other and to the body politic, excepting in those particulars which have grown out of the provisions of the treaties of 1817 and 1819 between the United States and the Cherokee nation, under which a portion of our people removed to this country and became a separate community: But the force of circumstances having recently compelled the body of the Eastern Cherokees to remove to this country, thus bringing together again the two branches of the ancient Cherokee family, it has become essential to the general welfare that a union should be formed, and a system of government matured, adapted to their present condition, and providing equally for the protection of each individual in the enjoyment of all his rights:

Therefore we, the people composing the Eastern and Western Cherokee Nation, in National Convention assembled, by virtue of our original and inalienable rights, do hereby solemnly and mutually agree to form ourselves into one body politic, under the style and title of the Cherokee Nation.

In view of the union now formed, and for the purpose of making satisfactory adjustments of all unsettled business which may have arisen before the consummation of this union, we agree that such business shall be settled according to the provisions of the respective laws under which it origina-

ted, and the courts of the Cherokee nation shall be governed in their decisions accordingly. Also, that the delegation authorized by the Eastern Cherokees to make arrangements with Major General Scott for their removal to this country, shall continue in charge of that business, with their present powers, until it shall be finally closed. And also that all rights and title to public Cherokee lands on the east or west of the river Mississippi, with all other public interests which may have vested in either branch of the Cherokee family, whether inherited from our Fathers or derived from any other source, shall henceforward vest entire and unimpaired in the Cherokee Nation, as constituted by this union.

Given under our hands, at Illinois Camp-ground, this 12th day of July, 1839.

By order of the National Convention :

GEORGE LOWREY,
President of the Eastern Cherokees.
GEORGE GUESS, his x mark,
President of the Western Cherokees.

EASTERN CHEROKEES.

K. TAYLOR, V. P.,
JAMES BROWN, V. P.,
TE KE-CHU-LASKEE, V. P.,
GEORGE HICKS,
JOHN BENGE,
THOMAS FOREMAN,
ARCHIBALD CAMPBELL,
JESSE BUSHYHEAD,
LEWIS ROSS,
EDWARD GUNTER,
TE NAH-LA WESTAH,
STEPHEN FOREMAN,
DANIEL McCOY.

By order of the National Convention:
JNO. ROSS,
Principal Chief Eastern Cherokees.
GOING SNAKE,
Speaker of Council.

WESTERN CHEROKEES.

TOBACCO WILL, V. P.,
DAVID MELTON, V. P.,
JOHN DREW, V. P.,
GEORGE BREWER,
THOMAS CANDY,
MOSES PARRIS,
JAMES CAMPBELL,
LOONEY RILEY,
CHARLES GOARD,
LEWIS MELTON,
YOUNG WOLF,
CHARLES COODEY,
AH-STO-LA-TA,
JACK SPEARS,
LOONEY PRICE.

By order of the Nat'l Convention
August 23, 1839.
JOHN LOONEY, his x mark,
Acting Principal Chief Western Cherokees.

The foregoing instrument was read, considered, and approved by us this 23d day of August, 1839 :

Aaron Price, Major Pullum, Young Elders, Deer-track, Young Puppy, Turtle Fields, July, The Eagle, The Crying Buffalo, and a great number of respectable old settlers and late emigrants, too numerous to be copied.

CONSTITUTION
OF
THE CHEROKEE NATION.

The Eastern and Western Cherokees having again reunited, and become one body politic, under the style and title of the Cherokee Nation: Therefore,

We, the people of the Cherokee Nation, in National Convention assembled, in order to establish justice, insure tranquillity, promote the common welfare, and to secure to ourselves and our posterity the blessings of freedom—acknowledging, with humility and gratitude, the goodness of the Sovereign Ruler of the Universe in permitting us so to do, and imploring His aid and guidance in its accomplishment—do ordain and establish this Constitution for the government of the Cherokee Nation.

ARTICLE I.

SEC. 1. The boundary of the Cherokee Nation shall be that described in the treaty of 1833 between the United States and Western Cherokees, subject to such extension as may be made in the adjustment of the unfinished business with the United States.

SEC. 2. ~~The lands of the Cherokee nation shall remain common property;~~ but the improvements made thereon, and in the possession of the citizens of the Nation, are the exclusive and indefeasible property of the citizens respectively who made, or may rightfully be in possession of them: *Provided*, That the citizens of the Nation possessing exclusive and indefeasible right to their improvements, as expressed in this article, shall possess no right or power to dispose of their improvements, in any manner whatever, to the United States, individual States, or to individual citizens thereof; and that, whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other Government, all his rights and privileges as a citizen of this Nation shall cease: *Provided, nevertheless*, That the National Council shall have power to re-admit, by law, to all the rights of citizenship, any such person or persons who may,

at any time, desire to return to the Nation, on memorializing the National Council for such readmission.

Moreover, the National Council shall have power to adopt such laws and regulations as its wisdom may deem expedient and proper to prevent 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 National Committee, and Council; and the style of their acts shall be—*Be it enacted by the National Council.*

SEC. 2. The National Council shall make provision, by law, for laying off the Cherokee Nation into eight districts; and if subsequently it should be deemed expedient, one or two may be added thereto.

SEC. 3. The National 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 in their respective districts for two years; the elections to be held in the respective districts every two years, at such times and places as may be directed by law.

The National Council shall, after the present year, be held annually, to be convened on the first Monday in October, at such place as may be designated by the National Council, or, in case of emergency, by the Principal Chief.

SEC. 4. Before the districts shall be laid off, any election which may take place shall be by general vote of the electors throughout the Nation for all officers to be elected.

The first election for all the officers of the Government—Chiefs, Executive Council, members of the National Council, Judges, and Sheriffs—shall be held at Tah-le-quah before the rising of this Convention; and the term of service of all

officers elected previous to the first Monday in October, 1839, shall be extended to embrace, in addition to the regular constitutional term, the time intervening from their election to the first Monday in October, 1839.

SEC. 5. No person shall be eligible to a seat in the National 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 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's side, shall be eligible to hold any office of profit, honor, or trust under this Government.

SEC. 6. The electors and members of the National Council shall in all cases, except those of treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and at the National Council, in going to and returning.

SEC. 7. In all elections by the people, the electors shall vote *viva voce*.

All free male citizens who shall have attained to the age of eighteen years shall be equally entitled to vote at all public elections.

SEC. 8. Each branch of the National Council shall judge of the qualifications and returns of its own members; and determine the rules of its proceedings; punish a member for disorderly behavior, and, with the concurrence of two thirds, expel a member; but not a second time for the same offence.

SEC. 9. Each branch of the National Council, when assembled, shall choose its own officers; a majority of each 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 branch may prescribe.

SEC 10. The members of the National Council, shall each receive from the public Treasury a compensation for their services which shall be three dollars per day during their attendance at the National Council; and the members of the

Council shall each receive three dollars per day for their services during their attendance at the National 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 National Council by whom such alteration may have been made.

SEC. 11. The National Council shall regulate by law by whom and in what manner, writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

SEC. 12. Each member of the National Council, before he takes his seat, shall take the following oath, or affirmation : I, A. B. do solemnly swear (or affirm, as the case may be,) that I have not obtained my election by bribery, treats, or any undue and unlawful means used by myself 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 in my judgment shall 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. 13. No person who may be convicted of felony shall be eligible to any office or appointment of honor, profit, or trust within this Nation.

SEC. 14. The National 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. 15. It shall be the duty of the National Council to pass such laws as may be necessary and proper to decide differences by arbitration, to be appointed by the parties, who may choose that summary mode of adjustment.

SEC. 16. No power of suspending the laws of this Nation shall be exercised, unless by the National Council or its authority.

SEC. 17. No retrospective law, nor any law impairing the obligation of contracts, shall be passed.

SEC. 18. The National Council shall have power to make laws for laying and collecting taxes, for the purpose of raising a revenue.

SEC. 19. All bills making appropriations shall originate in the National Committee, but the Council may propose amendments or reject the same; all other bills may originate in either branch, subject to the concurrence or rejection of the other.

SEC. 20. All acknowledged treaties shall be the supreme law of the land, and the National Council shall have the sole power of deciding on the construction of all treaty stipulations.

SEC. 21. The Council shall have the sole power of impeaching. All impeachments shall be tried by the National Committee. When sitting for that purpose the member shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 22. The Principal Chief, assistant Principal Chief, and all civil officers shall be liable to impeachment for 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 the Government of this Nation.

The party whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment according to law.

ARTICLE IV.

SEC. 1. The Supreme Executive Power of this Nation shall be vested in a Principal Chief, who shall be styled the Principal Chief of the Cherokee Nation.

The Principal Chief shall hold his office for the term of four years; and shall be elected by the qualified electors on the same day and at the places where they shall respectively vote for members to the National Council.

The returns of the election for Principal Chief shall be sealed up and directed to the President of the National Committee, who shall open and publish them in the presence of the National Council assembled. The person having the highest number of votes shall be Principal Chief; but if two or more shall be equal and highest in votes, one of them shall be chosen by joint vote of both branches of the Council. The manner of determining contested elections shall be directed by law.

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 qualified electors in the same manner for four years an assistant Principal Chief, who shall have attained to the age of thirty-five years.

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

SEC. 5. The National Council may by law provide for the case of removal, death, resignation, or disability of both the Principal and assistant Principal Chief, 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 duties 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 National Council at the seat of Government.

SEC. 9. He shall, from time to time, give to the National Council information of the state of the Government, and recommend to their consideration such measures as he may deem 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 occur in offices, the appointment of which is vested in the National Council, shall be filled by the *Principal Chief*, during the recess of the National Council, by granting commissions which shall expire at the end of the next session thereof.

SEC. 14. Every bill which shall pass both branches of the National Council shall, before it becomes a law, be presented to the *Principal Chief*; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that branch in which it may 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 branch shall agree to pass the bill, it shall be sent, together with the objections, to the other branch, by which it shall likewise be reconsidered, and if approved by two-thirds of that branch, it shall become a law. If any bill shall not be returned by the *Principal Chief* within five days (Sundays excepted) after the same has been presented to him, it shall become a law, in like manner as if he had signed it, unless the National Council, by their adjournment, prevent its return, in which case it shall be a law, unless sent back within three days after their next meeting.

SEC. 15. Members of the National Council, and all officers, Executive and Judicial, shall be bound by oath to support the Constitution of this Nation, and to perform the duties of their respective offices with fidelity.

SEC. 16. In case of disagreement between the two branches of the National Council, with respect to the time of adjournment, the *Principal Chief* shall have power to adjourn the same to such a time as he may deem proper; provided, it be not to a period beyond the next constitutional meeting thereof.

SEC. 17. The *Principal Chief* shall, during the session of the National Council, attend at the seat of Government.

SEC. 18. There shall be a council composed of five persons to be appointed by the National Council, whom the *Principal Chief* shall have full power at his discretion to assemble; he, together with the assistant *Principal Chief*, and the counsellors, or a majority of them, may, from time to time, hold and keep a Council for ordering and directing the affairs

of the Nation according to law; provided the National Council shall have power to reduce the number, if deemed expedient, after the first term of service, to a number not less than three.

SEC. 19. The members of the Executive Council shall be chosen for the term of two years.

SEC. 20. The resolutions and advice of the Council shall be recorded in a register, and signed by the members agreeing thereto, which may be called for by either branch of the National Council, and any counsellor may enter his dissent to the majority.

SEC. 21. The Treasurer of the Cherokee Nation shall be chosen by a joint vote of both branches of the National Council for the term of four years.

SEC. 22. The Treasurer shall, before entering on the duties of his office, give bond to the Nation, with sureties to the satisfaction of the National Council, for the faithful discharge of his trust.

SEC. 23. No money shall be drawn from the Treasury but by warrant from the Principal Chief, and in consequence of appropriations made by law.

SEC. 24. It shall be the duty of the Treasurer to receive all public moneys, and to make a regular statement and account of the receipts and expenditures of all public moneys, at the annual session of the National Council.

ARTICLE V.

SEC. 1. The Judicial powers shall be vested in a Supreme Court, and such Circuit and Inferior courts as the National Council may, from time to time, ordain and establish.

SEC. 2. The Judges of the Supreme and Circuit courts shall hold their commissions for the term of four years, but any of them may be removed from office on the address of two-thirds of each branch of the National Council to the Principal Chief, for that purpose.

SEC. 3. The Judges of the Supreme and Circuit courts shall, at stated times, receive a compensation which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under the Government of this Nation or any other Power.

SEC. 4. No person shall be appointed a Judge of any of the courts until he shall have attained to the age of thirty years.

SEC. 5. The Judges of the Supreme and Circuit courts shall be elected by the National Council, and there shall be appointed in each district as many justices of the peace as it may be deemed expedient for the public good, whose powers, duties, and duration in office, shall be clearly designated by law.

SEC. 6. The Judges of the Supreme court and of the Circuit courts shall have complete criminal jurisdiction in such cases and in such manner as may be pointed out by law.

SEC. 7. No Judge shall sit on trial of any cause when the parties are connected by affinity or consanguinity, except by consent of the parties.

In case all the Judges of the Supreme court shall be interested in the issue of any cause, or related to all or either of the parties, the National Council may provide by law for the selection of a suitable number of persons of good character and knowledge for the determination thereof, and who shall be specially commissioned for the adjudication of such case by the Principal Chief.

SEC. 8. 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. 9. Indictments shall conclude—"against the peace and dignity of the *Cherokee Nation*."

SEC. 10. The Supreme court shall, after the present year, hold its session annually at the seat of Government, to be convened on the first Monday of October, in each year.

SEC. 11. In all criminal prosecutions, the accused shall have the right of being heard; of demanding the nature and cause of the accusation; of meeting the witnesses face to face; of having compulsory process for obtaining witnesses in his or their favor; and in prosecutions by indictment or information, a speedy public trial, by an impartial jury of the vicinage; nor shall the accused be compelled to give evidence against himself.

SEC. 12. 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.

SEC. 13. All persons shall beailable by sufficient securi-

ties, unless for capital offences, where the proof is evident, or presumption great.

ARTICLE VI.

SEC. 1. No person who denies the being of a God, or a future state of reward and punishment, shall hold any office in the civil department in this Nation.

SEC. 2. The free exercise of religious worship, and serving God without distinction, shall, forever, be enjoyed within the limits of this Nation: provided, that this liberty of conscience shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this Nation.

SEC. 3. When the National Council shall determine the expediency of appointing delegates, or other public agents, for the purpose of transacting business with the Government of the United States, the Principal Chief shall recommend, and, by the advice and consent of the National Committee, appoint and commission such delegates or public agents accordingly. On all matters of interest, touching the rights of the citizens of this Nation, which may require the attention of the United States Government, the Principal Chief shall keep up a friendly correspondence with that Government, through the medium of its proper officers.

SEC. 4. All commissions shall be "in the name, and by the authority of the Cherokee Nation;" and be sealed with the seal of the Nation, and signed by the Principal Chief. The Principal Chief shall make use of his private seal until a National seal shall be provided.

SEC. 5. A Sheriff shall be elected in each district, by the qualified electors thereof, who shall hold his office two years, unless sooner removed. Should a vacancy occur, subsequent to an election, it shall be filled by the Principal Chief, as in other cases; and the person so appointed, shall continue in office until the next regular election.

SEC. 6. No person shall for the same offence be twice put in jeopardy of life or limb; nor shall the property of any person be taken and applied to public use without a just and fair compensation: *Provided*, That nothing in this clause shall be so construed as to impair the right and power of the National Council to lay and collect taxes.

SEC. 7. The right of trial by jury, shall remain inviolate; and every person, for injury sustained in person, property, or reputation, shall have remedy by due course of law.

SEC. 8. The appointment of all officers, not otherwise directed by this Constitution, shall be vested in the National Council.

SEC. 9. Religion, morality, and knowledge, being necessary to good government, the preservation of liberty, and the happiness of mankind, schools, and the means of education, shall forever be encouraged in this Nation.

SEC. 10. The National Council may propose such amendments to this Constitution, as two-thirds of each branch may deem expedient; and the Principal Chief shall issue a proclamation, directing all civil officers of the several districts to promulgate the same as extensively as possible within their respective districts, at least six months previous to the next general election. And if, at the first session of the National Council, after such general election, two-thirds of each branch shall, by ayes and noes, ratify such proposed amendments, they shall be valid to all intent and purposes, as parts of this Constitution: *Provided*, That such proposed amendments shall be read on three several days in each branch, as well when the same are proposed, as when they are ratified.

Done in Convention at Tah-le-quah, Cherokee Nation, this sixth day of September, 1839.

GEORGE LOWREY,

President of the National Convention.

Hair Conrad, his x mark,	Young Wolf,
John Benge, his x mark,	Joseph Martin Lynch,
Thomas Candy,	George Brewer, his x mark,
Archibald Campbell, his x mark,	Joshua Buffington,
John Drew,	Jesse Bushyhead,
George Guess, his x mark,	Jesse Russell,
Walter Scott Adair,	John Fletcher Boot, his x mark,
Young Elders, his x mark,	Crying Buffalo, his x mark,
Will. Shorey Coodey,	Bark Flute, his x mark,
Thomas Foreman,	Oo-la-yo-a, his x mark,
Richard Taylor,	Soft-shell Turtle, his x mark,
Thomas Fox Taylor,	Edward Gunter,
O-kan-sto-tah Logan, his x mark,	Daniel Colston, his x mark,
James Spears, his x mark,	Lewis Ross,
John Spears,	George Hicks,
Stephen Foreman,	Turtle Fields, his x mark,
Sal-la-tee-skee Watts, his x mark,	Elijah Hicks,
Young Glass, his x mark,	Tah-lah-see-nee, his x mark,
Looney Price,	James Brown,
Tobacco Will, his x mark,	Charles Coodey,
Major Puffum, his x mark,	Riley Keys,
Moses Parris,	Daniel McCoy,
George Washington Gunter,	Lewis Melton.
Kenah Logan, his x mark,	



L A W S
OF
THE CHEROKEE NATION.

AN ACT for the punishment of criminal offences.

Be it enacted by the National Council, That, in all cases of wilful murder, the offender, upon trial and conviction by the authorized courts of this Nation, shall suffer death by hanging; and, when sentence of death shall have been passed, the court shall grant a respite of five days before such criminal may be executed; but if the court, with the citizens generally of that section, shall deem it proper, they may petition the Principal Chief to pardon such convicted criminal, who may, if the reasons as set forth at large seem to warrant, grant an additional respite for a given number of days, until he can assemble the assistant Chief and Executive Council, who shall duly consider said petitions, with the circumstances and evidence given on trial, and decide by ordering his release and acquittal or execution.

SEC. 2. Be it further enacted, That any person who shall, with malice aforethought, assault another with intent to kill, shall, upon conviction thereof, be fined in a sum, for the benefit of the party injured, not less than ten nor exceeding one thousand dollars, at the discretion of the court, with the costs of suit. But if any person shall kill another in self-defence or by accident, without any previous intent to do the same, he shall not be held accountable for such act, and be exempted from any fine or punishment whatever.

SEC. 3. Be it further enacted, That upon trial and conviction of any person charged with the offence of having committed a rape on any female, he shall be punished with one hundred lashes on the bare back; and upon the conviction of any negro for the aforesaid offence against any free female, not of negro blood, he shall suffer death by hanging.

SEC. 4. Be it further enacted, That any female who shall be found guilty of having committed infanticide, or being accessory thereto, shall, upon conviction thereof, be punished with not less than twenty-five nor exceeding fifty lashes.

TAH LE QUAH, CHEROKEE NATION, 19th September, 1839.

W. SHOREY COODEY.

President National Committee.

Concurred:

YOUNG WOLF,
Speaker Nat. Council.

DAVID CARTER,
Clerk Nat. Council.

Approved:

JOHN ROSS.

AN ACT for the punishment of thefts, and other crimes.

Be it enacted by the National Council, That any person who shall be convicted of stealing a horse, mule, jack, or jenny, shall be punished by not less than thirty-nine nor more than one hundred stripes on the bare back, and compelled to make payment to the amount of damages or injury sustained, if such stolen property be not restored, for the benefit of the person so injured. And for all other property which may be stolen, upon conviction of the party so offending, the punishment shall be in proportion to the magnitude of the offence, at the discretion of the court, and judgment against the offender for damages to the party injured.

SEC. 2. *Be it further enacted,* That if any person shall enslave, or sell or dispose of in any manner any free person, for the purpose of enslaving the same, such person so offending shall, upon conviction thereof, be punished with corporeal infliction, as provided in the section above, and be compelled to make ample remuneration by such compensation as the court may determine.

SEC. 3. *Be it further enacted,* That if any person shall wilfully and maliciously burn the house or other property of another, or otherwise kill or destroy the property of any person, for the purpose of injuring, or gratifying a spirit of revenge, such offender, upon conviction, shall be punished in like manner as provided for above, and required to satisfy all damages sustained by the party injured; and, if said party requires it, the court shall cause such offender to give bond, with surety, for good behavior for the next twelve months.

SEC. 4. *Be it further enacted,* That any person who shall employ another, or aid or abet in the perpetration of any criminal offence, upon conviction thereof, such person or persons shall suffer such punishment as may be inflicted upon the principal offender, and be likewise subject to the same judgment for damages.

TAM LE QUAN, CHER. NATION, 19th September, 1839.

W. SHOREY COODEY,

Pres. National Committee.

Concurred :

YOUNG WOLF,

Speaker Nat. Council.

DAVID CARTER,

Clerk Nat. Council.

Approved :

JOHN ROSS.

AN ACT to prevent amalgamation with colored persons.

Be it enacted by the National Council, That intermarriage shall not be lawful between a free male or female citizen with any slave or person of color not entitled to the rights of citizenship under the laws of this Nation, and the same is hereby prohibited, under the penalty of such corporeal punishment as the courts may deem it necessary and proper to inflict, and which shall not exceed fifty stripes for every such offence;

but any colored male who may be convicted under this act, shall receive one hundred lashes.

TAH LE QUAH, CHER. NATION, 19th September, 1839.

W. SHOREY COODEY,
Pres. National Committee.

Concurred : YOUNG WOLF,
Speaker Nat. Council.
DAVID CARTER,
Clerk Nat. Council.

Approved : JOHN ROSS.

AN ACT to fill vacancies in the National Council.

Be it enacted by the National Council, That the Principal Chief be, and he is hereby, authorized, upon the notification of either branch of the National Council, during its present session, that a vacancy exists, either by death, resignation, or refusal to serve, of any of the members elected, to issue a writ of election to fill such vacancy; and which election shall be held at Tah le quah, by general vote of all the people present, before the adjournment of the present session of the National Council; and after such adjournment this act shall have no force or effect.

TAH LE QUAH, CHER. NATION 20th September, 1839.

W. SHOREY COODEY,
Pres. National Committee.

Concurred : YOUNG WOLF,
Speaker Nat. Council.
DAVID CARTER,
Clerk Nat. Council.

Approved : JOHN ROSS.

AN ACT providing for attachments.

SEC. 1. *Be it enacted by the National Council,* That it shall be lawful, whenever any person may have a claim or debt against another, and is apprehensive that he is about to abscond or dispose of his property, so as to be beyond the reach of law, to make oath to that effect, before any of the judges or clerks of the respective districts, and it shall be the duty of the judge or clerk, before whom such oath may be made, to issue an attachment forthwith, to be placed in the hands of any lawful officer, whose duty it shall be to attach as much property of the debtor as will satisfy the demand, if to be found, and to take the same into his safe keeping, until there shall be a decision made on the case agreeably to law, unless the said debtor shall secure to the creditor the debt, by giving bond with sufficient security.

TAH LE QUAH, CHER. NATION, September 21, 1839.

W. SHOREY COODEY,
Pres. National Committee.

Concurred : YOUNG WOLF,
Speaker National Council.
DAVID CARTER,
Clerk National Council.

Approved : JOHN ROSS.

WHEREAS a complaint has been made by Brevet Brig. General M. Arbuckle, U. S. A., that the life of Mr. Denningburg, contractor's agent for issuing rations to the late emigrants has been threatened, and that in consequence the business of issuing had been obstructed: Therefore,

Be it enacted by the National Council, That W. S. Adair, Thomas F. Taylor and George West, or either of them, be, and are hereby, authorized and empowered to adopt such measures, by summoning a sufficient number of persons, if necessary, to preserve order at the depot at W. S. Adair's for issuing rations, and to prevent any improper or unlawful conduct on the part of any person from obstructing any agent in the discharge of his business; and to prevent the introduction of ardent spirits about the premises of such depot during issues, under the penalty of wasting the same for every such offence. They are further authorized and directed to inquire into the conduct of Lewis Webber towards the contractor's agent, and to report the same to the National Council during the present session.

TAH LE QUAH, CHER. NATION, *September 23, 1839.*

W. SHOREY COODEY,
Pres. National Committee.

Concurred :

YOUNG WOLF,
Speaker National Council.

DAVID CARTER,
Clerk National Council.

Approved :

JOHN ROSS.

AN ACT establishing the Judiciary.

SEC. 1. *Be it enacted by the National Council,* The courts established under the Government of this Nation shall have cognizance of all suits arising under the constitution and laws of the Cherokee Nation, and cases originating under the laws and usages of the Eastern Cherokees as existing previous to their removal, and those in existence among the Western Cherokees prior to the act of union dated 12th day of July, 1839, and the adjudication of all questions shall be according to the provisions of the respective laws under which they originated.

SEC. 2. The commencement of all suits shall be by summons obtained from the clerk of the respective court in which such suit is to be tried, and of the district in which the party sued shall be resident, and which summons shall state the nature of the case upon which proceedings are founded, and be served by some lawful officer at least thirty days before the holding of said court, and such summons shall be returned to the clerk with a certificate of service, and the court shall give judgment as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects, or want of form in such summons or process.

SEC. 3. The trial of all causes at law, civil and criminal, shall be by jury, except in the trial of such cases by the Supreme court as may be brought before them by appeal from the Circuit courts.

No person under the age of twenty-one years, or above the age of

sixty, nor any person who may be convicted after the passage of this act, of felony or perjury shall be summoned on a jury.

The judge of each respective court shall at least thirty days before the time fixed for holding such court, make out and furnish the sheriff of the district with a list of names who shall be summoned by him or his deputy to act as jurors, and the clerk or judge shall administer the following oath: "You and each of you do solemnly swear that you will well and truly try all issues which shall be submitted to you and left to your decision by the court, during the present term, and true verdicts give according to the evidence." Which oath shall authorize said jury to try all issues that may be submitted during that term of said court. Nine persons shall constitute a jury in any of the courts for the trial of all civil suits, and any six of whom may render a verdict; but in all criminal cases there shall be twenty-four persons summoned, and the criminal, in open court, may challenge or object, if he chooses, to one-half of this number as the clerk shall call their names. The remaining twelve shall form a jury for the trial of any criminal accusation, and be qualified for that special case, and no verdict shall be rendered but by the unanimous assent of the whole; and in case of disagreement, and the court being satisfied that such particular jury cannot agree, they shall be discharged from further consideration of such case, and another jury summoned in their stead for the trial of that case.

In charging the jury, in all cases the judge shall state the testimony and the law.

SEC. 4. Each court shall have authority to prescribe such rules and regulations for the transaction of business, and to preserve order during its session, as may be deemed necessary and proper, and which shall not be in violation of law; and for every contempt or disrespect offered, or obstruction of business by the improper conduct of individuals, the court may impose a fine on any such person so behaving, and which shall not be less than one nor exceeding fifty dollars at the discretion of the court.

SEC. 5. Each court, shall have the right of appointing its own clerk, whose term of service shall be the same as that of the judge or judges of such respective court; and such clerk shall be liable to dismissal for improper behavior or want of attention to the duties of his office.

SEC. 6. *Be it further enacted,* Whenever final judgment is rendered in any case by a court, the clerk thereof shall, within five days after the adjournment of the court, issue an execution directed to the sheriff of the district to proceed and make collection from the party cast to the amount of such judgment and costs; and such execution shall be returnable at the next term of the said court, with a certificate of the proceedings had thereon, and which shall be recorded by the clerk of the said court.

The clerk of each court, before he enters on the duties of his office, shall take the following oath: "I, A. B. do solemnly swear that I will well and truly discharge the duties of clerk of the ——— court according to the best of my skill and judgment, and make correct entries and records of all causes, judgment, and proceedings of the court, and

carefully file and preserve all books and papers whatsoever which shall be delivered to me in charge, or otherwise come into my hands or possession by virtue of my office, and faithfully execute the duties thereof without favor, affection or partiality."

SEC. 7. Any of the judges shall have power to call and hold a special court for the trial of criminals; witnesses shall be allowed one dollar each day for attendance at court under a summons to give testimony, and the party against whom judgment is rendered shall pay the expense of witnesses on both sides, and no further cost shall attach to any suit.

THE SUPREME COURT.

SEC. 1. *Be it further enacted*, That the Supreme Court of the Cherokee Nation shall consist of one Chief Justice, and four associate Judges, any three of whom shall form a quorum to transact business, and decide cases. In the absence of the Chief Justice, the Principal Chief may nominate one of the other judges to act as Chief Justice *pro tempore*.

SEC. 2. The jurisdiction of this court shall be limited to such cases as may have been decided in the Circuit courts, and by appeal, brought before them for trial; except in such other cases as may hereafter be provided for by law.

In the trial of all appealed cases, the court shall be confined to such written testimony, as may be transmitted with each respective case from the Circuit court, unless satisfactory showing is made by either party, that it was impossible to have obtained the personal attendance of some witness or witnesses whose testimony is important; in that event, additional testimony shall be permitted to either party. Either party to a suit, in this court may, at the first term after such suit is placed on the docket, for satisfactory reasons, or the parties by mutual consent, lay over such cause until the next term, but no case shall be laid over a second time.

SEC. 3. *Be it further enacted*, That any judge of the Supreme court shall be authorized to call and hold a special court for the trial of any person or persons who may be charged with murder.

SEC. 4. It shall be the duty of the clerk to enter on a docket, to be kept for that purpose, all causes brought by appeal into this court; and to record faithfully all proceedings and decisions in a book; and to preserve with care all papers and books appertaining to the business of the court.

SEC. 5. The court shall designate such officer or officers, as may be deemed necessary, to attend upon the court during its session, for the preservation of order, and the execution of its mandates.

THE CIRCUIT COURTS.

SEC. 1. *Be it further enacted*, That there shall be established two judicial circuits, and one judge elected to each circuit.

The following division of the Nation into four districts shall continue until otherwise altered by law, to wit:

1. *Neosho district*.—Commencing at the line of Washington county

where the Saline road crosses the same; and following said road to the head of Spring creek; thence down the same to Grand river; thence down Grand river to the Arkansas, and thence along the western boundary of the Nation, including all the country north and west of the above line.

2. *Sallisaw district*.—Beginning at the line of Washington county, near Wilson's store, where the wagon-road crosses the same by Jack Bean's; thence along said road by Charles Vann's, down the Sallisaw to the crossing of the creek by Doctor Palmer's; thence, south, to the top of the mountain, and along the top of the same to a point opposite John L. McCoy's; thence to the crossing of the Sallisaw by the military road, and along said road to Grand river.

3. *Illinois district*.—Commencing at the mouth of Sallisaw creek, and running up the same to the military road; thence along said road to Grand river; and down the same to the Arkansas, including all the country west of this line and the Arkansas.

4. *Lee's Creek*.—Including all the country lying south and east of the above described lines.

The Northern circuit shall be composed of Neosho and Sallisaw districts; and the Southern of Illinois and Lee's creek district. And the following places are designated in each district for holding courts, viz:

In Neosho district, at Sitewakee's village, on Spavinaw.

In Sallisaw district, at Tah-le-quah.

In Illinois district, at Tah-lon-tuskee.

In Lee's creek district, at George Guess'.

The Judges shall hold their respective courts in Neosho and Illinois districts, on the first Monday in May and September, and for Sallisaw and Lee's creek districts, on the second Monday in May and September.

SEC. 4. The Circuit court shall have complete jurisdiction, in all criminal matters, and also in civil cases where the amount at issue is not less than one hundred dollars; but may also try and decide suits, when the amount is less than one hundred and over twenty-five dollars, provided such suit has been brought by appeal from the district court; and all decisions where the sum does not exceed one hundred dollars, shall be final; but if above that amount, an appeal may be granted to the Supreme court, if moved for before the adjournment of such court; and in the trial of all cases, the clerk shall write out in full the testimony which may be given by witnesses of both parties. And in the event of an appeal to the Supreme court, such written testimony, with the proceedings and decision of the court, being certified to by the clerk, sealed and marked on the outside, with the nature of the case and the names of the parties, they shall be transmitted by the sheriff of the district, directed to the Chief Justice. And the party, so appealing to the Supreme court, shall be required to enter into bond with security, to the satisfaction of the court, for the maintenance of such suit and payment of all costs.

DISTRICT COURTS.

Be it further enacted, That there shall be established one District court in each of the four districts, temporarily provided for in this act,

and one Judge for each, elected by joint vote of the National Council, whose term of service shall be one year.

The District court shall have complete criminal jurisdiction in all cases not involving the sentence of death; and in all civil matters where the sum at issue does not exceed one hundred dollars; and its decision in all cases, where the sum does not exceed twenty-five dollars, shall be final; when over twenty-five and not over one hundred dollars, an appeal may be granted to the Circuit court, and the witnesses again summoned to appear and give testimony in that court.

Each party taking an appeal, shall be required to give bond and security for the maintenance of such suit, and payment of all costs which may attach thereto.

The District courts shall be held at the respective places designated for holding the Circuit courts, and on the first Monday of January and July.

SHERIFFS.

Be it further enacted, That there shall be one sheriff in each district, who shall enter into bond with security to the amount of one thousand dollars, for the faithful execution of the duties of his office, and take the following oath: "I, A. B. having been elected to the office of sheriff of _____ district, do solemnly swear, that I will well and truly execute the duties of my said office, according to the best of my skill and understanding, without fraud or partiality." It shall be the duty of the sheriffs to attend upon the courts which may be held in their respective districts; to serve all summons or other process which may be placed in their hands; and to take all necessary and proper measures in the execution of the judgments of the courts; and also to arrest and cause to be tried, all persons who may be charged with criminal offences; and in case of resistance, or strong apprehensions of resistance, the sheriff shall summon such a number of citizens as may be necessary to arrest any person or persons against whom criminal charge may be alleged, and to guard the same until convicted or acquitted, unless the Judge, during the recess of court, before whom such person may be brought, shall sooner discharge them upon such bail for his or their attendance at the next term, as may be deemed sufficient and proper. Should any person, charged with a criminal violation of law, resist any lawful officer or persons authorized to cause his arrest, while in the discharge of his or their duty, and such officers should be killed on account of such unlawful resistance, such officer or other persons shall not be held guilty of murder.

It shall also be the duty of such sheriff or sheriffs, as may be designated by the Chief Justice for that purpose, to attend upon the Supreme court during its session.

Each sheriff may appoint a deputy from under his own hand, and shall notify the District judge of such appointment; and such sheriff shall be responsible for the conduct and behavior of such deputy so appointed by him. When the property of any person is levied upon to satisfy an execution issued upon the judgment of a court, the sheriff shall advertise the same at three of the most public places in the district, to be sold to the highest bidder; and for all sums not exceeding fifty dol-

bars, such sale shall be advertised ten days; and for all sums above fifty dollars, twenty days' notice shall be given.

TAH LE QUAH, CHER. NATION, 23d September, 1839.

W. S. COODEY,

President National Committee.

Concurred:

YOUNG WOLF,

Speaker Nat. Council.

DAVID CARTER,

Clerk Nat. Council.

Approved:

JOHN ROSS.

AN ACT in relation to contracts.

Be it enacted by the National Council, That all lawful contracts shall be binding. And any person upon failure to comply with the terms of such contract shall be liable to a suit at law, in any of the courts having jurisdiction in the matter, to be instituted by the creditor; and if upon trial, the law and testimony shall justify, judgment shall be rendered in favor of such creditor, for the amount which may be due by the defendant.

And in all cases where a debt may be contracted, and it is agreed that property or trade shall be taken in payment of such debt, judgment shall be rendered accordingly; and the officer shall proceed to levy on the property of such debtor, and to summons two disinterested citizens, who shall be sworn by him, to aid in the valuation of such property fairly and impartially, and when such property is so valued by the sheriff and such other persons, the creditor shall receive the same at such valuation as may be fixed by them.

TAH LE QUAH, CHER. NATION, September 21, 1839.

W. SHOREY COODEY,

President National Committee.

Concurred:

YOUNG WOLF,

Speaker Nat. Council.

DAVID CARTER,

Clerk Nat. Council.

Approved:

JOHN ROSS.

AN ACT relative to estates and administrators.

Be it enacted by the National Council, That all written or verbal wills of deceased persons, when proved to the satisfaction of the judge of the District court for the district in which deceased person resided, shall be valid; and if by such will any person or persons are designated to manage the business of any estate so left, such person shall receive from said judge a written appointment for that purpose, and be required to enter into bond, with sufficient security, for the faithful management of such business, in accordance with the provisions of said will, and for the careful preservation of all property and effects so left, and all such wills shall be registered by the clerk of the District court; and all persons so appointed shall furnish, on oath, a schedule and description of all property and effects belonging to such estate, and which shall likewise be registered by said clerk.

Sec. 2. *Be it further enacted,* That when a person dies without

having made a will, the district judge shall grant letters of administration to some competent and responsible individual, to be selected from among the relatives of the deceased, if the safety of such property as may be left seem to warrant, and who shall be required to enter into bond, &c., as provided above. And the property and effects shall belong equally to the children; the widow, also, of such deceased person shall be entitled to an equal share with the children, to be apportioned to her whenever she requires it, and the settlement of the business will safely permit, and the residue to the children as they become of age, to wit: males at twenty-one years, and females at eighteen years, unless by marriage it may be sooner apportioned. And in case such widow shall again marry and hold her property separately from the husband, and shall die without issue from her second marriage, such property shall be divided among the aforesaid children. And in all cases where the wife dies holding property as above, and has children, and the husband survives, such property shall likewise be equally apportioned among the children and the husband; and if such husband should again marry and die without issue from such second marriage, his property shall be equally divided among his children.

Any administrator who may have charge of an estate shall settle all just debts due out of its effects, and collect all outstanding claims in its favor. He shall cause public notice to be given, by written advertisements, for all persons having demands against such estate to bring them forward for settlement within twelve months, otherwise they shall be void and not recoverable by law.

TAH LE QUAH, CHER. NATION, 24th September, 1839.

W. SHOREY COODEY,
President National Committee.

Concurred: YOUNG WOLF,
Speaker Nat. Council.
DAVID CARTER,
Clerk Nat. Council.

Approved: JOHN ROSS.

AN ACT regulating settlements on the public domain.

Be it enacted by the National Council, That no person shall be permitted to settle or erect any improvement within one-fourth of a mile of the house, field, or other improvements of another citizen, without his, her, or their consent, under the penalty of forfeiting such improvement and labor for the benefit of the original settler; provided, it may be lawful, however, where a settler has a field one-half mile or more from his residence, and where there may be a spring or running water and timber, for another citizen to improve and settle one hundred yards from such field so situated.

TAH LE QUAH, CHER. NATION, 24th September, 1839.

W. SHOREY COODEY,
President National Committee.

Concurred: YOUNG WOLF,
Speaker Nat. Council.
DAVID CARTER,
Clerk Nat. Council.

Approved: JOHN ROSS.

AN ACT to exempt certain property from sale.

Be it enacted by the National Council, That the following description of property shall be exempted from sale to satisfy any debt or judgment, and shall be reserved for the benefit of the owner thereof, viz: one horse, or in lieu thereof, one yoke of oxen, one cow and calf, one sow and pigs, farming utensils, household and kitchen furniture, and fifty bushels of corn, one stack of fodder, and fire-arms, and one saddle and bridle. And it shall not be lawful for an officer to levy on any of the above-mentioned property.

TAH LE QUAH, CHER. NATION, 24th September, 1839.

W. SHOREY COODEY,
President National Committee.

Concurred: YOUNG WOLF,
Speaker Nat. Council.
DAVID CARTER,
Clerk Nat. Council.

Approved: JOHN ROSS.

AN ACT defining lawful fences.

Be it enacted by the National Council, That a fence ten rails high, with cracks not exceeding four inches wide, for four rails up said fence, shall be considered a lawful fence. And a fence eight good rails high, well staked and ridered, shall also be considered a lawful fence. And the horse, ox, or other beast, or hog, of any person or persons whomsoever, breaking into the field of any person having a lawful fence, the owner of such property shall be responsible for the damages done, and the courts of the several districts shall have cognizance of every such case.

This act not to take effect until the 1st day of March, 1840.

TAH LE QUAH, CHER. NATION, 25th September, 1839.

W. SHOREY COODEY,
President National Committee.

Concurred: YOUNG WOLF,
Speaker Nat. Council.
DAVID CARTER,
Clerk Nat. Council.

Approved: JOHN ROSS.

AN ACT authorizing the arbitration of cases.

Be it enacted by the National Council, That it shall be lawful for parties to settle and adjust any dispute or controversy by arbitration; and when that mode is determined upon, the parties shall place in the hands of each arbiter appointed by them, a written notice to that effect, signed jointly by such parties, and they shall be sworn by the Judge or Clerk of the Circuit or District court, before they proceed to arbitrate and decide upon such case, and their decision shall be final, and shall be recorded in the office of the Clerk of such court as would properly

have had cognizance of the matter, and execution shall issue by him to the sheriff, the same as if judgment had been obtained in such court, unless the arbitrators may have decided otherwise.

TAH LE QUAH, CHER. NATION, 26th September, 1839.

W. SHOREY COODEY,
President National Committee.

Concurred: YOUNG WOLF,
Speaker Nat. Council.
DAVID CARTER,
Clerk Nat. Council.

Approved: JOHN ROSS.

AN ACT relative to Schools.

Be it enacted by the National Council, That all facilities and means for the promotion of education, by the establishment of schools, and the diffusion of general intelligence among the people, shall be afforded by legislation, commensurate with the importance of such objects, and the extent and condition of the public finances; and all schools which may be, and are now in operation in this Nation, shall be subject to such supervision and control of the National Council as may be provided.

SEC. 2. *Be it further enacted,* That in future no missionary school or establishment shall be located or erected, without permission being first obtained from the National Council for such purpose, and the place designated by law for the same, with such other general regulations as may be deemed necessary and proper, either as conducive to its particular usefulness, or conformity to national rights and interest.

SEC. 3. *Be it further enacted,* That in furtherance of the design of this act, a committee of three persons shall be appointed by nomination of the Principal Chief to the National Committee, whose duty it shall be to mature and prepare a system of general education by schools, with such laws for its establishment and promotion as may be necessary; and to report the same to the Principal Chief before the next annual meeting of the National Council, who shall submit such report with his views in relation thereto; said committee shall also visit all the schools in the Nation, examine the plan upon which they are taught, the improvement of pupils, and utility of each, and report such information to the Principal Chief, to be submitted before the National Council.

TAH LE QUAH, CHER. NATION, 26th September, 1839.

W. SHOREY COODEY,
President National Committee.

Concurred: YOUNG WOLF,
Speaker Nat. Council.
DAVID CARTER,
Clerk Nat. Council.

Approved: JOHN ROSS.

AN ACT respecting Garnishees.

Be it enacted by the National Council, That when judgment is rendered, and the officer in whose hands an execution may be placed, shall fail to find any property or effects in the possession of the debtor to satisfy the same, and has cause to believe that some other person has in hands property or effects belonging to said debtor, the officer shall proceed to make inquiry of such person, and if such property or effects shall be pointed out, he shall proceed to make levy; but if such person shall refuse to give such information as may be satisfactory, the officer shall summon him before the Judge or Clerk of the court where judgment was obtained, who shall require him on oath to answer the charge of holding in his hands the property or effects of such debtor.

And if any person shall have, or place his property or effects in the possession of another person, before judgment is obtained, it shall be lawful to garnishee the person holding the same, as above, and to take such measures as will prevent the disposal or removal of the same, until proceedings may be had in the proper court, on any alleged debt owing by the owner of such property or effects.

TAH LE QUAH, CHER. NATION, 26th September, 1839.

W. SHOREY COODEY,
President National Committee.

Concurred: YOUNG WOLF,
Speaker Nat. Council.
DAVID CARTER,
Clerk Nat. Council.

Approved: JOHN ROSS.

AN ACT to prevent the introduction and vending of ardent spirits.

Be it enacted by the National Council, That the introduction or vending of ardent spirits in this Nation shall not be lawful; and any and all persons are prohibited from bringing or engaging in the traffic of ardent spirits, within five miles of the National Council during its session, or one mile from any of the places designated for holding courts, during their session, or one mile of any public gathering or meeting in the Nation, under the penalty of having the same wasted or destroyed by any lawful officer or authorized person, by the sheriff, for such purpose.

TAH LE QUAH, CHER. NATION, September 28, 1839.

W. SHOREY COODEY,
President National Committee.

Concurred: YOUNG WOLF,
Speaker Nat. Council.
DAVID CARTER,
Clerk Nat. Council.

Approved: JOHN ROSS.

AN ACT to legalize intermarriage with white men.

Be it enacted by the National Council, That, from and after the passage of this act, any white man, or citizen of the United States, who may come into this Nation and take a Cherokee woman to wife, he

shall first be required to obtain a written license for that purpose from the Clerk of either the Circuit or District court, and then be lawfully married by some minister of the Gospel, or other authorized person; and the Judges of any of the courts shall be authorized to perform the marriage ceremony.

And any such white man, or citizen of the United States, who shall refuse or fail to comply with the provisions of this act, and take up with a Cherokee woman, or any such person who may lawfully marry and then abandon his wife, shall not be entitled to any of the rights and privileges of a citizen of this Nation, and shall be liable to the provisions of the intercourse laws of the United States. Any person so obtaining a license shall pay the Clerk a fee of five dollars; and the said Clerk shall register all such licenses, and the person performing the marriage ceremony shall certify the same on the license, which shall be returned to the Clerk, and who shall record the same. And if any such person or citizen as aforesaid, should come into the Nation and marry, and the fact should afterwards be established that he left a wife elsewhere, he shall be subject to removal as an intruder.

TAH LE QUAH, CHER. NATION, *September 23, 1839.*

W. SHOREY COODEY,
President National Committee.

Concurred: YOUNG WOLF,
Speaker Nat. Council.
DAVID CARTER,
Clerk Nat. Council.

Approved: JOHN ROSS.

AN ACT granting permission to certain persons to establish missionary stations.

Be it enacted by the National Council, That permission be, and the same is hereby, granted to the Board of the Moravian Society, at Salem, North Carolina, to erect a missionary station in this Nation for the purpose of recommencing their labors in the instruction and improvement of the Cherokee people. Permission is also granted to the Rev. Evan Jones, under the direction of the Baptist Board, to enter and reside in the Nation for the same purpose. Permission is likewise granted to Dr. Eleazer Butler and the Rev. D. S. Butrick, under the direction of the American Board of Foreign Missions, to reside in the Nation for the same purpose; and that Dr. Butler be requested by the Principal Chief to reside at the Rev. S. A. Worcester's, until the next session of the National Council.

TAH LE QUAH, CHER. NATION, *October 2, 1839.*

W. SHOREY COODEY,
President National Committee.

Concurred: YOUNG WOLF,
Speaker Nat. Council.
DAVID CARTER,
Clerk Nat. Council.

Approved: JOHN ROSS.

Whereas the Principal Chief having this day apprized the National Council that an order has been issued from the War Department, directed to M. Stokes, United States Agent, to prohibit the residence among the Cherokees of the Rev. Evan Jones, a missionary under the Baptist Board, on account of charges preferred before the Secretary of War, the nature and character of which, however, are not specified or mentioned in said order: Therefore,

Resolved by the National Council, That no complaints or charges, of whatever kind or character, have ever been made to the Hon. Secretary of War, or any other person, either by the authorities of this Nation, or any authorized person in behalf of the Cherokee people; and that they are not aware or apprized of any act or conduct upon which complaint or charge may be founded to the prejudice of the aforesaid Rev. E. Jones, he having for many years resided among them, east of the Mississippi, devoted to their instruction and improvement, to their entire satisfaction and approbation: And it is the desire of the people and authorities of this Nation that he shall be again permitted to resume his labors in this country.

The Principal Chief is requested to forward a copy of this resolution to the United States Agent, to be reported by him to the War Department.

TAH LE QUAH, CHER. NATION, *October 2, 1839.*

W. SHOREY COODEY,

President National Committee.

Concurred: YOUNG WOLF,
 Speaker Nat. Council.
 DAVID CARTER,
 Clerk Nat. Council.

Approved: JOHN ROSS.

AN ACT fixing the compensation of the officers of the Nation.

Be it enacted by the National Council, That the Principal Chief be, and he is hereby, allowed, out of the public funds of this Nation, a salary of five hundred dollars per annum for his services; and the assistant Principal Chief three hundred dollars per annum.

The Executive Counsellors shall each be allowed three dollars per day while in actual service.

The Judges of the Supreme Court shall each be allowed five dollars per day, while in service in holding court.

The Circuit Judges shall be allowed each a salary of two hundred dollars per annum.

The District Judges shall be allowed each one hundred dollars per annum.

The Clerk of the Supreme Court shall receive for his services, three dollars per day, during the session of the Supreme Court.

The Clerks of the Circuit Courts shall each receive two dollars and fifty cents per day while in actual service.

The Clerks of the District Courts shall each receive two dollars per day while in actual service.

Each Sheriff shall receive two hundred dollars per annum for his services.

Each Juror shall be paid one dollar per day.

The National Treasurer shall receive for his services a salary of five hundred dollars per annum.

The Clerks of the National Committee and Council shall each receive three dollars per day, while in service.

TAH LE QUAH, CHER. NATION, *October 4, 1839.*

W. SHOREY COODEY,
President National Committee.

Concurred: YOUNG WOLF,
Speaker Nat. Council.
DAVID CARTER,
Clerk Nat. Council.

Approved: JOHN ROSS.

Be it enacted by the National Council, That it is expedient to appoint a delegation, consisting of eight persons, to represent the Cherokee people before the Government of the United States, for the purpose of adjusting and bringing to a final close all unsettled business between this Nation and the United States Government. And the Principal Chief be, and he is hereby, requested to accompany said delegation. Each delegate shall receive, out of the public funds of the Nation, three dollars per day for his services, during his absence on this mission.

The Principal Chief is hereby authorized to obtain a loan of three thousand dollars, on the credit of the Nation; and which sum shall be appropriated towards the necessary expenses of said delegation; and said delegation shall be required to keep a correct account of all necessary expenditures.

TAH LE QUAH, CHER. NATION, *October 4, 1839.*

W. SHOREY COODEY,
President National Committee.

Concurred: YOUNG WOLF,
Speaker Nat. Council.
DAVID CARTER,
Clerk Nat. Council.

Approved: JOHN ROSS.

AN ACT imposing prohibitions with regard to Tah le quah, the Council Ground.

Be it enacted by the National Council, That it shall not be lawful for any person to clear a field, or wastefully destroy the timber, within one-fourth of a mile of Tah le quah, the Council Ground, without special permission of the National Council: Nevertheless, this act shall not be so construed as to prevent Young Wolf from enlarging his premises on the east side of the hollow and Spring branch, running between said Young Wolf's and Tah le quah, the Council Ground; and, also, as to prevent any person from the use of timber while attending the National Council. But no person whomsoever shall be permitted to

cut or destroy any timber within one hundred yards of the fence enclosing the shed and office of the Principal Chief, except such timber as may be dead, upon the penalty of paying a fine of five dollars for every such offence.

TAR LE QUAH, CHER. NATION, October 4, 1839.

W. SHOREY COODEY,
President National Committee.

Concurred : YOUNG WOLF,
Speaker Nat. Council.
DAVID CARTER,
Clerk Nat. Council.
Approved : JOHN ROSS.

Be it enacted by the National Council, That any person who may be lawfully summoned to appear before any of the courts to give testimony, and shall refuse or fail to attend, unless on account of sickness, he shall be fined in a sum not less than twenty-five nor exceeding one hundred dollars, at the discretion of the court.

And any person who may be summoned by an officer to aid in the arrest of a criminal, and shall refuse, unless it be on account of sickness, he shall be fined fifty dollars.

And any fine which may be collected under this act shall be paid into the National Treasury.

SEC. 2. *Be it further enacted,* That each of the Judges and Clerks of the several courts are hereby authorized to administer oaths.

TAR LE QUAH, CHER. NATION, 4th October, 1839.

W. SHOREY COODEY,
President National Committee.

Concurred : YOUNG WOLF,
Speaker Nat. Council.
DAVID CARTER,
Clerk Nat., Council.
Approved : JOHN ROSS.

Be it enacted by the National Council, That all claims against the Nation shall be presented before the National Committee for investigation, and when allowed, there being now no funds to meet the demands upon the Treasury, the National Committee shall issue due bills to the respective claimants for the amount due, and which due bills shall be countersigned by the Principal Chief before they are given out.

TAR LE QUAH, CHER. NATION, 4th October, 1839.

W. SHOREY COODEY,
President National Committee.

Concurred : YOUNG WOLF,
Speaker Nat. Council.
DAVID CARTER,
Clerk Nat. Council.
Approved : JOHN ROSS.

AN ACT requiring the Treasurer to give bond.

Be it enacted by the National Council, That the National Treasurer shall, before he enters on the duties of his office, enter into bond with surety to the amount of seventy-five thousand dollars, which bond to be executed to the Cherokee Nation and given to the Principal Chief and subject to the approval of the National Council at its next session.

TAH LE QUAH, CHER. NATION, 4th October, 1839.

W. SHOREY COODEY,
President National Committee.

Concurred: YOUNG WOLF,
Speaker Nat. Council.

DAVID CARTER,
Clerk Nat. Council.

Approved: JOHN ROSS.

Be it enacted by the National Council, That the Principal Chief be, and he is hereby, authorized to select some suitable persons to translate the Constitution and laws of this Nation into the Cherokee language, and to have the same printed both in English and Cherokee for the use and information of the people.

TA LE QUAH, CHER. NATION, 5th October, 1839.

W. SHOREY COODEY,
President National Committee.

Concurred: YOUNG WOLF,
Speaker Nat. Council.

DAVID CARTER,
Clerk Nat. Council.

Approved: JOHN ROSS.

Be it enacted by the National Council, That if any person or persons shall interrupt, by misbehavior, any congregation of Cherokee or white citizens, assembled at any place for divine worship, within the Cherokee Nation, such person or persons, so offending, shall, upon conviction thereof before any of the courts, be fined in a sum not exceeding twenty nor less than five dollars, for every such offence, to be adjudged by the court of the district in which such offence may be committed; and if any negro slave shall be convicted of the above offence, he shall be punished with thirty-nine stripes upon the bare back. And all moneys so collected shall be paid over to the National Treasury.

TAH LE QUAH, CHER. NATION, October 7, 1839.

W. SHOREY COODEY,
President National Committee.

Concurred: YOUNG WOLF,
Speaker Nat. Council.

DAVID CARTER,
Clerk Nat. Council.

Approved: JOHN ROSS.

Be it enacted by the National Council, That the act fixing the compensation of the officers of the Nation, passed 4th October, 1839, be and the same is hereby amended, by granting an additional allowance to the compensation of the sheriffs of six per cent. on all collections which may be made by them, under an execution from any of the clerks issued on a judgment, to be recovered of the person against whom such judgment may be made.

TAH LE QUAH, CHER. NATION, *October 12, 1839.*

W. SHOREY COODEY,
President National Committee.

Censored: YOUNG WOLF,
Speaker Nat. Council.
DAVID CARTER,
Clerk Nat. Council.

Approved: JOHN ROSS.

Whereas a National convention of the People of the Eastern and Western Cherokees was assembled on the first day of July, 1839, for the purpose of forming a union of the two communities, (brought together by the late removal of the Eastern Cherokees,) and of adopting measures for the preservation of order and the advancement of the general welfare:

And whereas the desired union has been consummated by general consent: and by the conditions of said union, "all rights and title to public Cherokee lands on the east and west of the river Mississippi, with all other public interests which may have vested heretofore in either branch of the Cherokee family;" are declared, "henceforward, to vest, entire and unimpaired, in the Cherokee Nation, as constituted by this union:"

And whereas various important questions, and much business with the Government of the United States, both of a public and private character, remain in an unsettled state, and require to be definitively adjusted as early as practicable: Therefore,

Be it enacted by the National Council, That John Ross, Principal Chief, W. Shorey Coodey, Edward Gunter, Richard Taylor, Joseph M. Lynch, Looney Price, John Looney, Elijah Hicks, and Jesse Busheyhead, be appointed a delegation to represent the Cherokee People before the Government of the United States; and that they be, and they are hereby, vested with full powers to enter into arrangements with the Government of the United States for the final adjustment of all matters mutually interesting to the United States and to the Cherokee People.

Be it further enacted, That the above named John Ross, W. Shorey Coodey, Edward Gunter, Richard Taylor, Joseph M. Lynch, Looney Price, John Looney, Elijah Hicks, and Jesse Busheyhead, be, and they are hereby, authorized to apply to the Government of the United States, or to the proper officers thereof, for all sums of money due, or which may become due, to the Cherokee Nation, on any account whatever, and to receive and receipt for the same, for and on behalf of the said Cherokee Nation.

And be it further enacted, That in case of vacancy occurring in the aforesaid delegation, the Principal Chief of the Nation be, and he is hereby, authorized to fill such vacancy by appointment.

TAH LE QUAH, CHER. NATION, *October 12, 1839.*

W. SHOREY COODEY,
President National Committee.

Concurred : YOUNG WOLF,
Speaker Nat. Council.
DAVID CARTER,
Clerk Nat. Council.

Approved : JOHN ROSS.