

## LLOYD WELCH CONSTITUTION

### INFORMATION REGARDING LLOYD WELCH CONSTITUTION

At a general council assembled at Cheoh, December 9, 1868, the Eastern Cherokees placed upon record the following declaration:

We, the Eastern Cherokees, being desirous of holding our general council in some organized form and established manner and under a like form as other tribes of Indians who are desirous of adopting a republican form of government, and restricting, controlling, and compensating our rulers, do hereby enact as follows:

That hereafter each Cherokee settlement or town shall be entitled to one delegate for each member of such settlement, who shall represent them in said general council, and that said general council shall meet once in each year on \_\_\_\_\_ of \_\_\_\_\_; that said general council shall, from their number when convened, elect one of their number who shall be chairman or president of said council, and who shall be president or chief of said Eastern Cherokees for the term of time so directed by said council, not exceeding four years, and in case of choice each settlement may petition said council in writing upon any subject. Said council shall have power to elect a secretary and interpreter of the council and marshal of the nation, and fix the duties and compensation of the same. Said council shall have the power

to prepare and adopt bylaws and rules for the general government of the people and the duties of each national officer, and also the compensation of said council, and assess the national funds and property to pay the same. Said council may prepare bylaws and police regulations and other rules, and submit the same to the nation in general council assembled, and a majority vote shall adopt or reject the same. They shall also prepare a system of schools in each settlement and provide for the election of a superintendent or board of trustees, who shall organize the same in accordance with regulations. Said council may, at their discretion, fix a place and day or days for holding a national fair, where each person may present samples of grain, stock, weaving, knitting, spinning, needlework, butter, and any article of agricultural product or fruit; and domestic or mechanical product; and also a measure proving amount of crop per acre, and the number of acres cultivated in any crop, and fix committees to grant premiums thereon and name the same, and one premium for the best general system of farming to be shown by the general statement.

Signed in Cherokee: John Wayne-na, chairman; Long Bear, Allen Ratler, Trumper, William McElmore, John Ax, Sowanooka, Ken-ska-leskee, Tah-quah-tee, James Blythe, Skeegee, John Large, Wilson Ax, Minuk.

Attest:

N. J. Smith,

Clerk of the Committee and Council.  
QUALLA TOWN, JACKSON COUNTY, NORTH CAROLINA, November 26, 1870.

In conformity to previous appointment, and notice having been given previously to the different towns composing the Eastern Band of Cherokees, a grand council is this day organized by appointing Suate Owl and Cornassel, chairmen, and John Lige and Samuel W. Davidson, clerks.

The credentials of the delegates were presented and referred to a committee consisting of the following: Jackson Blythe, Will McElmore, Swimmer, Young Squirrel, Ah-mah-chu-ah, Wilson Wolf, Tom Skitty, Sam Wolf, Lewis Smith, Leander Hornbuckle, John Dobson, and Willigeh, who, after examining the credentials, reported favorably, and the following delegates then presented themselves, to wit: From Long Ridge, Cherokee county, R. B. Smith, John Going, Will West; Hanging Dog, John Owl and Tece-

teska; from Cheoah, Jacob Cheer and L. R. Welch; Buffalo, Standing Deer; John Jackson, as proxy for Sandtown and Henry Smith for Notla.

The delegation then came forward and signed their names as follows: Jackson County, N. C.: Black Fox, Wolfetown; Wilson Welch; George Wilnota, Painttown, Joe Welch, Painttown; Le-ya-nah, Lufta; Lewey Owl, Lufta; Jim Ross, Birdtown; Benj. Brown, Birdtown; Axe, Raven Fork; Oolenasseh, Raven Fork.

Cherokee County: R. B. Smith, Long Ridge; Will West, Long Ridge; John Going, Long Ridge; John Owl, Hanging Dog; Taceteska, Hanging Dog; Jacob Cheer, Cheoh; Loyd R. Welch, Cheoh; Henry Smith, Notla; Standing Deed, Buffalo, John Jackson, Sandtown.

Will McElmore, Lower Hanging Dog, signed in presence of Samuel W. Davidson, clerk.

Ordered by the council that an election was held held on Thursday, December 1, 1870, for principal chief, to serve until our next annual election in 1871.

December 1, 1870 — The council met pursuant to adjournment and proceeded to business. The election of principal and second chief was then opened and held and resulted in the election of Flying Squirrel, or Call-lee-high, as principal chief, and John Jackson, Oo-wah-lun-tee, as second chief. The form of government referred to the committee was reported favorably.

It was then moved and seconded that the constitution be adopted by the council, which motion was carried unanimously, and the constitution as adopted is as follows:

1st. Whereas the legal representatives or councilmen of towns or settlements of the Eastern Band of Cherokee Indians have this day and date, at the place aforementioned, met according to general agreement and understanding.

2d. Said council be, and is hereby, duly authorized and empowered by representation, as the undersigned sheweth, to provide for the common interest and enact measures by which the aforesaid band of Indians may be represented in prosecuting or defending all matters pertaining to or touching the interest of said land of Indians with the United States, or state or states, or individuals of the United States, in whatever relation said interest may be, provided that nothing

herein be so construed as an abrogation of any rights, claim or claims, of any individual or individuals of said band to the legislation of said council in common property.

3d. All members constituting the aforesaid council shall be, and they are hereby, governed and bound by all acts passed in council of delegates and approved by the chief.

4th. All acts done, made, and confirmed in grand council, as aforesaid, shall be effectual and binding upon all members belonging to or constituting the aforesaid band, in all matters held in common or pertaining to the common interest of said band and not otherwise.

5th. Provided, further, that there be and the council is hereby authorized to appoint an annual session for holding grand councils at such place and time as they may designate and determine on and no called or appointed council otherwise held shall be held valid or binding upon the aforesaid band or the subjects thereof unless the chief, in his judgment and reason, thinks the interest of said band demands or justifies such called or appointed council; also that there be ordered a stated election to be held in each town and settlement for the purpose of electing first and second chiefs, whose power and right of governing shall extend over the whole land of Eastern Cherokees for and not exceeding the term of 2 years; also for the electing all subaltern officers to constitute the aforesaid annual council. The said subordinate term of office shall not exceed 1 year only by the annual election of the band. The right of vote by which said band shall be governed shall be exclusive and consist only of its male members of 16 years of age and upward. And the aforesaid officers so elected shall have the exclusive right to govern and rule, and and all the acts done, made, or had by said officers for the term elected shall be binding, held binding, and in full force upon said land. The aforesaid chiefs so elected shall have no power nor hold any right of jurisdiction to enact or enforce laws within themselves over the land of which he presides as chief, but in all cases or interest conflicting or touching the common rights of said band the legal representatives shall be duly notified by the chief and the legislative body assembled.

Signed in Cherokee: Flying Squirrel, principal chief; John Jackson, as-

sistant chief; Black Fox, Wilson Welsh, George Wilnota, Joe Welch, Le-ya-nah, Lewey Owl, Benj. Brown, Ax, Oolenasch, Ross B. Smith, Will West, John Going, John Owl, Teeceska.

#### AMENDMENTS TO THE CONSTITUTION OF THE EASTERN BAND OF CHEROKEE INDIANS

The Eastern Band of the Cherokees having again reunited and become one body politic under the style and title of the "Eastern Band of the Cherokee Indians"; therefore:

We, the people of the Eastern Band of the Cherokee Indians in annual council assembled, in order to establish justice, promote the common welfare, and to assure 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 these amendments to the constitution for the government of the Eastern Band of Cherokee Indians.

##### Article I

SECTION 1. The power of the Eastern Band of the Cherokee Indians shall be divided into two distinct departments, the executive and the legislative. The executive to consist of the principal and assistant chief, and the legislative of the council.

##### Article II

SECTION 1. The legislative power shall be vested in a council, and all enactments of the council shall be signed by the chairman of the council and approved by the principal chief, and in all their deliberations the vote shall be taken by yeas and nays, unless otherwise directed by the council.

SECTION 2. Each member of the annual council before he takes his seat to transact any business of the council, shall take the following oath (or affirmation):

"I, A B, do solemnly swear or affirm that I have not obtained my election or appointment as a member of this council by bribery or any undue or unlawful means or duress or fraud, used by myself or others, by my desire or approbation for that purpose; that I consider myself constitutionally qualified as a member of this council, and that on all questions and measures which may come before me I will give my vote and so conduct myself as in my judgment shall appear most con-

ducive to the interest and prosperity of the Eastern Band of the Cherokee Indians, 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."

##### Article III

SECTION 1. No person shall ever be eligible to any office or appointment of honor, profit, or trust who shall have aided, or abetted, counseled or encouraged any person or persons guilty of defrauding the Eastern Band of the Cherokees, or who may hereafter aid or abet, counsel or encourage any pretended agents or attorneys in defrauding the Eastern Band of Cherokees.

##### Article IV

SECTION 1. It shall be the duty of the annual council to pass such rules and regulations as may be necessary and proper, and to decide differences by arbitrators to be appointed by the parties who may choose that summary mode of settlement.

##### (Abstract)

Supreme executive, the principal chief, term 4 years; vice or assistant chief. By males of 18 years. Eligibility of either, age 35, and at least one-fourth Cherokee, of band. In case of death, resignation, or disability of both council appoint until removal of disability or successor be elected. Councilmen must be 21. Compensation of chief and vice not changeable during term.

##### Oath of Principal Chief:

"I do solemnly swear (or affirm) that I will faithfully execute the duties of principal chief of the Eastern Band of Cherokees, and will, to the best of my ability, preserve, protect and defend the constitution of the Eastern Band of Cherokee Indians."

Principal chief may on extraordinary occasions convene the council at such place as the council shall designate as the seat of government.

Principal chief from time to time give information as to the state of affairs and recommend measures as he may think expedient. He shall take care that the rules and regulations be faithfully executed; shall visit the different towns and settlements at least once in 2 years.

All officers and members of council take oath, etc. Council for 2 years. Treasurer chosen by council for 2 years and give bond. No money drawn

except by warrant from the president in consequence of appropriations by council. Treasurer receive and account for moneys at each session of the annual council.

#### Article V. (Abstract)

No person eligible to any office who denies the existence of a God or a future state of rewards and punishments. Free exercise of religious worship and serving God forever enjoyed, but not construed as to excuse acts of licentiousness inconsistent with the peace and safety, etc. Council may decide the expediency and principal chief nominate to council when necessary to send a delegate to transact business with the United States, and he shall keep up a friendly correspondence through the medium of its proper officers. All commissions to be in the name and by the authority of the Eastern Band of Cherokee Indians, sealed with the seal of the probate court of the county where the council is held, attested by clerk of council, and approved by the principal chief. 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 and cherished by the Eastern Band of Cherokee Indians. Annual council may propose amendments as two-thirds deem expedient, the same not to be passed until the meeting of the next council.

#### Article VI

Council shall consist of 2 from each town or settlement of 100 souls, of 1 extra on an excess of 200, and for less than 100 still 1. Council, at the annual session, shall appoint 2 judges of elections. In fault of election, a majority may send a delegate with certificate, with the names of those selecting the delegate. Election to be held on the first Thursday in September. Executive council to consist of principal chief, assistant chief, and 3 associates, nominated by the principal chief and confirmed by the council. The annual council shall be held on the first Monday of October at place designated by council, or, on emergency, by the principal chief. The annual council shall be called to order by the assistant chief and a chairman and clerk to be elected. In the absence or neglect of the assistant chief any member of the executive council may organize the council. The officers of the council

shall be 1 first and 1 second clerk, an interpreter, marshal, messenger, and doorkeeper. The oath may be administered by any officer of the state or the United States authorized to administer an oath. Conviction of felony shall exclude from office. The annual council may, by a commission, provide for the purchase of land for the Eastern Band of Cherokee Indians; provided, that any commission provided for under this ordinance may be nominated by the principal chief and confirmed by the annual council; provided further, that no act of such commission shall be construed to interfere with or in any manner impair the rights of individual members of said band. The annual council shall by appropriate legislation, provide a public school system for the Eastern Band of the Cherokee Indians. The veto power exists except against a two-thirds vote. Style of enactment: "Be it enacted by the annual council of the Eastern Band of Cherokee Indians," etc.

(Signed) J. W. Hilder and  
T. Z. P. Enola, Chairman.

Attest:

John G. Tatham, Secretary of Council  
Henry Smith, Interpreter

Approved:

Loyd R. Welch, Principal Chief  
Cheoah Council Ground October 13, 1875

