

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CORPORATE CHARTER
OF THE
KIALEGEE TRIBAL TOWN,
OKLAHOMA



RATIFIED SEPTEMBER 17, 1942



UNITED STATES
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CORPORATE CHARTER OF THE KIALEGEE TRIBAL TOWN

A FEDERAL CORPORATION CHARTERED UNDER THE ACT OF JUNE 26, 1936

Whereas, the Kialegee Tribal Town constitutes a recognized band of Indians residing in Oklahoma, organized under a constitution and by-laws approved by the Assistant Secretary of the Interior on April 14, 1941, and ratified by the Indians of the said Town on June 12, 1941, pursuant to Section 3 of the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967); and

Whereas, the said Tribal Town, by resolution of the Kialegee officers duly authorized, has requested that a charter of incorporation be issued to the said Tribal Town, subject to ratification by a vote of the members of the Tribal Town;

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 26, 1936, do hereby issue this Charter of incorporation to the Kialegee Tribal Town to be effective from and after such time as it may be ratified by a majority vote of the adult members of the Kialegee Tribal Town voting: *Provided, however,* That such election shall be void unless the total vote cast be at least 30 percent of those entitled to vote.

Corporate Purposes.

1. The corporate purposes of the Kialegee Tribal Town shall be:
 - (a) To define and safeguard the rights and powers of the Kialegee Tribal Town and its members.
 - (b) To advance the standard of living of the town through the development of tribal town resources, the acquisition of new tribal town land, the preservation of existing landholdings, the better utilization of land and the development of a credit program for the tribal town.
 - (c) To promote in any other way the general welfare of the Indians of the Kialegee Tribal Town.

Name, Membership, and Organization.

2. The name of this corporation shall be the Kialegee Tribal Town, as provided in the Constitution and By-laws of the said tribal town. The membership, the officers, and the management of the incorporated tribal town shall be as provided in the said Constitution and By-laws.

Corporate Powers.

3. The Kialegee Tribal Town, subject to any restrictions contained in the Constitution and laws of the United States or in the Constitution and By-laws of the tribal town, and to the limitations of sections 4 and 5 of this Charter, shall have the following

corporate powers as provided by section 3 of the Oklahoma Indian Welfare Act of June 26, 1936;

- (a) To have succession by its corporate name perpetually.
- (b) To sue and be sued; to complain and defend in any courts: *Provided, however,* That the grant or exercise of such power shall not be deemed a consent by the tribal town or by the United States to the levy of any judgment, lien, or attachment upon the property of the tribal town other than income or chattels specially pledged or assigned.
- (c) To make and use a common seal and alter the same at pleasure.
- (d) To appoint such subordinate officers and agents as the business of the town may require, and to allow them suitable compensation.
- (e) To enter into any obligations or contracts essential to the transaction of its ordinary affairs or for the corporate purposes above set forth.
- (f) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), from any other governmental agency, from any member or association of members of the tribal town, or from any other source, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or association of members of the Kialegee Tribal Town.
- (g) To deposit corporate funds in a National Bank within the State of Oklahoma or in the Postal Savings Bank or with a bonded disbursing officer of the United States.
- (h) To negotiate with the Federal, State, or local governments and to advise or consult with the representatives of the Interior Department on all activities of the Department that may affect the Kialegee Tribal Town.
- (i) To employ counsel for the protection and advancement of the rights of the tribal town and its members.
- (j) To prevent any disposition, lease, or encumbrance of tribal lands, interests in land, or other tribal town assets.
- (k) To advise the Secretary of the Interior with regard to appropriation estimates or Federal projects for the benefit of the tribal town prior to the submission of such estimates to the Bureau of the Budget and to Congress.
- (l) To make assignments of tribal town land to members of the tribal town, and to regulate the use and disposition of such assignments.

- (m) To appropriate available funds for public purposes of the Kialegee Tribal Town.
- (n) To regulate the manner of holding tribal town elections.
- (o) To regulate the procedure of the officers and membership and all other tribal town committees and officers.
- (p) To protect and preserve the property, natural resources, crafts and traditions of the Kialegee Tribal Town.
- (q) To purchase, take by gift, bequest or otherwise, own, hold, manage, operate, and dispose of property of every description, real or personal.
- (r) To issue bonds or other interests in corporate property in exchange for restricted Indian lands.
- (s) To protect all rights guaranteed to the Kialegee Tribal Town by treaty.
- (t) To delegate to subordinate bodies, committees, or officers, or to any cooperative association which is open to all members of the tribal town, any of the foregoing powers, reserving the right to review any actions taken by virtue of such delegated powers.
- (u) To exercise such further powers as may in the future be delegated to the tribal town by the Secretary of the Interior or by any duly authorized officer or agency of government.

*Limitations
of
Corporate
Powers.*

4. The foregoing corporate powers shall be subject to the following limitations:
- (a) No tribal town land or interest in land shall ever be sold or mortgaged.
 - (b) No tribal town land or interest in land shall be leased for a longer period than ten years, except that oil, gas or mineral leases may be made for longer periods when authorized by law.
 - (c) Any lease, grazing permit, or timber sale contract covering tribal town land shall provide that the person to whom such lease, permit, or contract is awarded, must conform with regulations issued by the Secretary of the Interior under Section 6 of the Act of June 18, 1934 (48 Stat. 984).
 - (d) No assignment of future income, other than assignments to the United States, shall be made for more than five years in advance.
 - (e) In any attorney's contract hereafter executed by the tribal town, the choice of attorneys and the fixing of fees shall be subject to the approval of the Secretary of the Interior.
 - (f) No distribution of corporate property among the members of the tribal town shall be made,



except out of the net profit of corporate enterprises after all corporate debts then due have been paid.

*Departmental
Review of
Corporate
Acts.*

5. Until ten years from the date of ratification of this Charter, or such other date as may be fixed pursuant to section 6, the following corporate acts or transactions shall be valid only after approval by the Secretary of the Interior or his duly authorized representatives:

- (a) Any contract involving a payment by the Tribal Town of more than \$5,000.
- (b) Any transactions by which the Tribal Town borrows money where such borrowing brings the total indebtedness of the tribal town, aside from loans from the Indian Credit Fund, to a figure in excess of \$500.
- (c) Any resolution or ordinance governing the making of land assignments to members of the Tribal Town, the acquisition of land from members of the Tribal Town, or the use of tribal town land by individuals.
- (d) Any lease, grazing permit, or other contract affecting tribal town land, tribal town minerals, or other tribal town interest in land.
- (e) Any per capita distribution of corporate income to members of the tribal town in excess of \$200 in any one year.

*Extension
and
Termination
of
Supervisory
Powers*

6. At any time within ten years after the ratification of this Charter, any power of review established by Section 5 may be terminated by the Secretary of the Interior with the consent of the Kialegee Tribal Town membership. At or before the expiration of this ten year period the Secretary may propose a further extension of this period. Such proposed extension shall be effective unless disapproved by a three-fourths vote of the Kialegee Tribal Town membership.

*Corporate
Rights
and
Property*

7. Any rights and powers heretofore vested in the Kialegee Tribal Town, not expressly referred to in the Constitution, By-laws or Charter of the said Tribal Town, shall not be abridged, but may be exercised by the people of the Kialegee Tribal Town, through the adoption of appropriate additions and amendments to the Constitution, By-laws or Charter of the said Tribal Town. No property rights or claims of the Kialegee Tribal Town existing prior to the ratification of this Charter shall be in any way impaired by anything contained in this Charter. The Tribal Town ownership of unallotted lands, whether or not occupied by any particular individuals, is hereby expressly recognized. The individually-owned property of members of the Tribal Town shall not be subject to any corporate debts or liabilities without such owners' consent.



- Amendments* 8. This Charter shall not be revoked or surrendered except by an Act of Congress, but amendments may be proposed by a majority vote of the Business Committee or by a petition signed by 30 percent of the adult members of the Tribal Town. Such amendments, if approved by the Secretary of the Interior, shall be submitted to referendum vote by all members of the Tribal Town, and shall be effective if approved by a majority vote.
- Ratification* 9. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Kialegee Tribal Town, provided that at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Five Civilized Tribes agency and by the Town King and the Secretary of the Tribal Town.

Submitted by the Assistant Secretary of the Interior for ratification by the Kialegee Tribal Town.

OSCAR L. CHAPMAN,
Assistant Secretary.
 [SEAL]

WASHINGTON, D. C., *July 23, 1942.*

I, Oscar L. Chapman, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 26, 1936 (49 Stat. 1967), do hereby approve the attached Charter of the Kialegee Tribal Town of Oklahoma, subject to ratification by the tribe in the manner therein provided.

Upon ratification of this Charter all rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Charter and the Constitution and By-laws, approved by me on April 14, 1941, and duly ratified by the tribe on June 12, 1941, are declared inapplicable to the Kialegee Tribal Town of Oklahoma.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws, and the Charter, if and when, ratified by the tribe.

Approval recommended: May 15, 1942.

WILLIAM ZIMMERMAN, JR.

Assistant Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,
Assistant Secretary.
 [SEAL]

WASHINGTON, D. C., *July 23, 1942.*

CERTIFICATION

Pursuant to section 3 of the Act of June 26, 1936 (49 Stat. 1967), this Charter, issued on July 23, 1942 by the Assistant Secretary of the Interior to the Kialegee Tribal Town of Oklahoma was duly submitted for ratification to the adult members of the tribe, and was on September 17, 1942, duly adopted by a vote of 42 for, and 3 against, in an



election in which over 30 percent of those entitled to vote cast their ballots.

DANIEL SCOTT,
Town King, Kialegee Tribal Town.

LOUIS KING,
Secretary, Kialegee Tribal Town.

A. M. LANDMAN,
Superintendent, Five Civilized Tribes Agency.

