

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS
OF THE
THLOPTHLOCCO TRIBAL TOWN
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OKLAHOMA



RATIFIED DECEMBER 27, 1938



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CONSTITUTION AND BY-LAWS OF THE THLOPTHLOCCO TRIBAL TOWN

PREAMBLE

We, the members of the Thlopthlocco Tribal Town of the Creek Indian Nation, of the State of Oklahoma, in order to promote our common welfare and to secure and obtain for ourselves and for our posterity the benefits, rights, privileges and powers, offered to us by the Oklahoma Indian Welfare Act of Congress, approved June 26, 1936 (49 Stat. 1967), known as the Thomas-Rogers Act, do hereby adopt and ordain the following constitution and by-laws of this town.

ARTICLE I—OBJECTIVES

The objectives of this town shall be:

SECTION 1. To secure and obtain the benefits, rights, privileges, and powers as provided for under the Act of Congress approved June 26, 1936 (49 Stat. 1967), known as the Thomas-Rogers Act and that part of the Act of Congress approved June 18, 1934 (48 Stat. 984), known as the Indian Reorganization Act, so far as same has been made applicable to Oklahoma Indians, for the benefit of the members.

SEC. 2. To secure and obtain the benefits, rights, privileges, and powers as provided for by any laws of the United States now existing or that may hereafter be enacted for the benefit of Indians or other citizens of the United States and administered by various government agencies, such as relief, conservation, rehabilitation, resettlement, economic, educational, health, hospitalization, and other programs.

SEC. 3. To promote the general welfare of the town and its members.

ARTICLE II—NAME

The name of this town is Thlopthlocco Tribal Town.

ARTICLE III—HEADQUARTERS

The Thlopthlocco Methodist Episcopal Church, South, which is centrally located between Okemah and Wetumka, in Okfuskee County, Oklahoma, shall be the headquarters of this town, unless and until otherwise provided by the Governing Body.

ARTICLE IV—MEMBERSHIP

SECTION 1. The membership of this organization shall consist of the following:

(a) All Indians who were on either the 1890 authenticated census roll or the 1895 pay roll of the said town were and shall be members.

(b) All persons born of parents both of whom were members when the persons were born were and shall be members.

(c) All Indians born of women who were members of this town when such persons were born were and shall be members of this town.

(d) All Indians born of non-Creek women whose fathers were members of this town when such persons were born were and shall be members of this town.

SEC. 2. Any Indian may be adopted as a member of this town by the Town King with the consent of the members of this town by a majority vote at a regular meeting, with the consent of the authorities of the Creek Town from which the person came, if any, and with the consent of the Secretary of the Interior.

SEC. 3. Any person who is adopted shall relinquish his membership in any other Indian Tribe or band, other than the Creek Nation of Indians of Oklahoma, before adoption into this town.

ARTICLE V—GOVERNING BODY

SECTION 1. The officers of the Thlopthlocco Tribal Town shall be a Town King, two Warriors, a Secretary and a Treasurer. These officers shall be elected by the town membership and their term of office shall be for a period of four years, or until their successors are elected and installed.

SEC. 2. Within thirty days after the adoption of this Constitution and By-laws, the membership of the Thlopthlocco Tribal Town shall hold an election of the officers. An election of officers shall be held each fourth year thereafter.

SEC. 3. There shall be an advisory council consisting of five adult members of the town who shall be appointed by the officers.

SEC. 4. The governing body shall be known as the Business Committee and shall consist of the town officers and members of the advisory council.

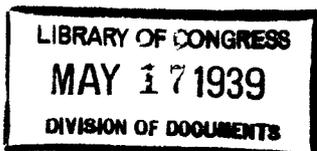
SEC. 5. At any election held by the membership of this town, both males and females 21 years of age and over shall be eligible to vote. Election shall be by standing vote and a majority of the votes cast shall determine the action thereon.

SEC. 6. In case of vacancies in any elective office, the remaining elected officers shall appoint a successor to fill such office for the unexpired term.

SEC. 7. The Business Committee shall have power to appoint subordinate committees and representatives, to transact business and otherwise speak or act on behalf of the town on all matters in which the town is empowered to act now or in the future.

ARTICLE VI—REMOVAL OF BUSINESS COMMITTEE MEMBERS

There shall be a Grievance Committee, consisting of three adult members of the town, who shall be appointed by the Business Committee. The Grievance Committee shall investigate complaints of misconduct in office of members of the Business Committee and upon a proper showing shall call a special meeting of the town members to act upon such complaints. The town membership shall have



power, by majority vote, after giving the accused a hearing, to remove him from office.

ARTICLE VII—BILL OF RIGHTS

SECTION 1. All members of the town shall enjoy without hindrance, freedom of worship, conscience, speech, press, assembly and association.

SEC. 2. This constitution shall not be construed in any way to alter, abridge or otherwise jeopardize the rights and privileges of the members of this town as citizens of the Creek Nation, the State of Oklahoma, or of the United States.

SEC. 3. The individual vested property rights of any member of the town shall not be altered, abridged, or otherwise affected by the provisions of this constitution and by-laws without the consent of such individual member.

ARTICLE VIII—AMENDMENTS

Amendments to this constitution and by-laws may be proposed by a majority of the Governing Body, or by a petition filed by thirty per cent of the adult members of this town, and if approved by the Secretary of the Interior shall be submitted to a referendum of the members of this town and shall be effective if approved by a majority vote of those voting in the election, provided at least 30 per cent of the eligible voters shall vote.

BY-LAWS OF THE THLOPHLOCCO TRIBAL TOWN

ARTICLE I—OATH OF OFFICE

Prior to assuming office under this constitution and by-laws, the following oath of office shall be taken by the Town King and all other elected officers and appointed committee members, the Town King taking his oath before a notary public, or any other official authorized to administer oaths, and all others taking their oaths before the Town King:

“I, -----, do solemnly swear that I will support and defend the Constitution of the United States; that I will carry out, satisfactorily and impartially, the duties of my office to the best of my ability; that I will promote and protect the best interests of my town in accordance with this constitution and by-laws, so help me God.”

ARTICLE II—DUTIES OF OFFICERS AND BUSINESS COMMITTEE MEMBERS

SECTION 1. It shall be the duty of the Business Committee, and each member thereof, to promote the general welfare of the members of this town and to carry out the provisions and purposes of this constitution and by-laws.

SEC. 2. It shall be the duty of the Town King to preside over all meetings and carry out all orders of the Business Committee. All members of the Business Committee and all subordinate officers shall

assist the Town King in all proper ways to carry out the orders of the Business Committee.

SEC. 3. The Secretary shall keep a full report of all proceedings of each regular and special meeting of the Business Committee or the town membership.

SEC. 4. The Treasurer shall be the custodian of all moneys which may come under the jurisdiction of and into the control of the Business Committee. He shall pay out money in accordance with the orders and resolutions of the Business Committee. He shall keep an account of all receipts and disbursements and shall report the same to the Business Committee at each regular meeting. Upon order of the Business Committee, he shall make bond satisfactory to the Business Committee and the Commissioner of Indian Affairs. The books of said Treasurer shall be subject to audit or investigation at the direction of the Business Committee, or the Commissioner of Indian Affairs. Until the Treasurer is bonded the Business Committee may make such provisions for the custody and disbursement of funds as will guarantee the safety and proper disbursement thereof.

ARTICLE III—QUORUM

Six or more members of the Business Committee, which must include one elected officer to preside as Chairman, shall constitute a quorum to transact the business of the Committee at any meeting.

ARTICLE IV—MEETINGS

SECTION 1. Town membership meetings shall be held, annually, each year from adoption of this constitution and by-laws.

SEC. 2. Regular meetings of the Business Committee shall be held quarterly from the date of the adoption of this constitution and by-laws.

SEC. 3. Regular and special meetings of the Business Committee and town membership may be called upon order of the Business Committee and shall be held at the Thlopthlocco Methodist Episcopal Church, South, in Okfuskee County, Oklahoma, unless the Town King deems it convenient to hold such meetings at another place.

ARTICLE V—ORDER OF BUSINESS

The order of business of the Business Committee shall be as follows: (1) Call to order by the chairman or presiding officer; (2) invocation; (3) roll call; (4) ascertainment of a quorum; (5) reading of minutes of previous meeting; (6) adoption of minutes by vote; (7) unfinished business; (8) new business; and (9) adjournment.

ARTICLE VI—ADOPTION

This constitution and by-laws shall be effective when approved by the Secretary of the Interior and ratified by a majority vote of the members of the Thlopthlocco Tribal Town, voting at an election called by the Secretary of the Interior under rules and regulations

which he may prescribe pursuant to section 3 of the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967).

I, Oscar L. Chapman, the 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 Constitution and By-laws of the Thlopthlocco 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.

Approval recommended November 10, 1938.

JOHN COLLIER,

Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,

Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., November 17, 1938.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 17, 1938 by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the members of the Thlopthlocco Tribal Town of Oklahoma and was on December 27, 1938 duly approved by a vote of 95 for, and 4 against, in an election in which over 30 per cent of those entitled to vote cast their ballots, pursuant to section 3 of the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967).

THE THLOPTHLOCCO GOVERNING COMMITTEE,

By CLEM ROBISON,

L. E. DUNSON.

J. T. WILKINSON,

Acting Superintendent, Five Civilized Tribes.

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