

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS
OF THE
KIALEGEE TRIBAL TOWN
OKLAHOMA



RATIFIED JUNE 12, 1941



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1942



Spine
Law

CONSTITUTION AND BYLAWS OF THE KIALEGEE TRIBAL TOWN, OKLAHOMA

PREAMBLE

We, the members of the Kialegee Tribal Town, one of the former several Tribal Towns of the Creek Indian Nation, now 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 establish and adopt the following constitution and bylaws of the Kialegee Tribal Town.

ARTICLE I—NAME

The name of this Town organization shall be the Kialegee Tribal Town.

ARTICLE II—PURPOSES

The purposes of this organization shall be as follows:

SECTION 1. To secure and obtain the benefits, rights, privileges, and powers as provided by the Oklahoma Indian Welfare Act of Congress approved June 26, 1936 (49 Stat. 1967) and that part of the Indian Reorganization Act approved June 18, 1934 (48 Stat. 984), which may be good, beneficial, and applicable to the members of the Town.

SEC. 2. To secure and obtain the benefits, rights, privileges, and powers as provided by the existing laws of the United States and those which hereafter may be enacted for the good and benefit of Indians or other citizens of the United States administered by different governmental agencies, such as relief, conservation, rehabilitation, re-settlement, hospitalization, education, economic and all other programs that may be for the good and benefit of the members of the Town.

SEC. 3. To care for the aged and unhealthy members, and otherwise promote the general welfare of the Town.

ARTICLE III—MEMBERSHIP

SECTION 1. Except as provided in sections 2 and 7, the membership of the Kialegee Tribal Town shall consist of one-half blood to full blood Creek Indians, both male and female, and one-half to full blood Indians of other tribes.

SEC. 2. All persons of Creek Indian blood who are members of the Kialegee Tribal Town as determined by the Town roll as of the date of the adoption of this Constitution and Bylaws, whether or not such persons are enrolled on the approved Federal Dawes Commission Roll, shall be the original members.

SEC. 3. All children born of female Kialegee members shall become members of the Town regardless of the status of their fathers.

SEC. 4. All children born of a marriage between a male member of the Kialegee Tribal Town and a female member of any other Tribal

Town or Tribe may become members of the Town if their parents apply for their admission to the Town and if they are accepted and approved by a majority vote of the members present at any regular Kialegee Tribal Town membership meeting.

SEC. 5. All adult offspring of a marriage between a male member of the Kialegee Tribal Town and a female member of any other Tribal Town or Tribe may become members of the Town by applying for admission, when accepted and approved by a majority vote of the members present at any regular Kialegee Tribal Town membership meeting.

SEC. 6. A husband of a female member and a wife of a male member of the Kialegee Tribal Town, who are members of other Tribal Towns or Tribes, may become members of the Kialegee Tribal Town by applying for admission to the Town, when accepted and approved by a majority vote of the members present at any regular Kialegee Tribal Town membership meeting.

SEC. 7. Any married full blood Indian member of any other Tribal Town or Tribe may apply for admittance to the Kialegee Tribal Town as "Adopted Member" in the following manner:

(a) The applicant must have the consent of his or her Tribal Town or Tribe and must relinquish his or her membership in any tribal town, tribe, or band other than the Creek Nation of the State of Oklahoma;

(b) The applicant must pay to the Kialegee Tribal Town a \$5.00 admission fee in advance, such fee to be returned to said applicant should he or she be denied admittance to the Town;

(c) If the applicant, after a thorough investigation, is accepted and approved by a majority vote of the members present at any regular Kialegee Tribal Town membership meeting, said applicant shall then become an "Adopted Member" of the Kialegee Tribal Town.

SEC. 8. The Kialegee Tribal Town will exclude any member wishing to withdraw his or her membership from the Town upon receipt of \$5.00.

SEC. 9. The Town membership shall have power to prescribe rules and regulations, subject to the approval of the Secretary of the Interior, covering future membership, including adoption, expulsion, and loss of membership.

ARTICLE IV—GOVERNING BODY

SECTION 1. The supreme governing body of the Town shall be the adult members of the Town, both male and female who are 21 years of age or older, through the actions of the Business Committee.

SEC. 2. The Business Committee of the Town shall consist of the elected officers and all members of the Advisory Committee.

SEC. 3. The Business Committee shall have power to transact business or otherwise speak or act on behalf of the Town in all matters on which the Town is empowered to act. The powers of the Town shall be set forth in the Corporate Charter of the Town.

ARTICLE V—OFFICERS

The officers of the Kialegee Tribal Town shall be the Town King, 1st Warrior, 2nd Warrior, Secretary and the Treasurer.

ARTICLE VI—ELECTIONS

SECTION 1. Within 30 days after the adoption of this Constitution and Bylaws, the Town membership shall hold an election of officers. The elected officers shall serve until the annual Town membership meeting on the second Thursday in June 1941, and the regular elections of officers shall be held on the second Thursday in June of each second year thereafter.

SEC. 2. The elected officers of the Town shall select and appoint five members to serve as an Advisory Committee and three members to serve as the Grievance Committee. Their term of office shall be the same as elected officers. The members of the Grievance Committee shall not include any members of the Business Committee.

SEC. 3. Elections shall be by standing vote, a majority vote of the membership present being necessary to elect officers.

SEC. 4. Eligible voters shall be both male and female members of the Town who are 21 years of age or older.

SEC. 5. Nominations for officers may be made from the floor until closed by motion.

SEC. 6. The newly elected officers shall be installed immediately upon their elections by the retiring King or Warrior.

ARTICLE VII—VACANCIES

Vacancies in any elective office shall be filled for the unexpired term by a majority vote of those present at any regular meeting of the Town membership.

ARTICLE VIII—REMOVAL OF OFFICERS

SECTION 1. The Grievance Committee shall investigate complaints of misconduct in office by an elective officer and upon proper showing shall present the complaints at any regular meeting of the Town membership. The Town membership shall have power, by a majority vote, after giving the accused a hearing, to remove him from office and proceed to elect a successor.

SEC. 2. The Grievance Committee shall investigate the complaints of misconduct in office of any member of the Advisory Committee and upon good showing shall present the complaints at any regular meeting of the Town membership. The Town membership shall have power, by a majority vote, after giving the accused a proper hearing, to remove him from office. The appointment of a successor for the unexpired term shall be left to the elected officers as provided in section 2 of Article VI.

ARTICLE IX—BILL OF RIGHTS

SECTION 1. All members of this Town shall enjoy equally without hindrance, freedom of worship, conscience, speech, press, assembly and association.

SEC. 2. This Constitution and Bylaws shall not in any way alter, abridge, or otherwise jeopardize the rights and privileges of the members of this Town as citizens of the State of Oklahoma and the United States.

SEC. 3. The individual property rights of any member of this Town shall not be altered, abridged or otherwise affected by the provisions of this Constitution and Bylaws without the consent of such individual member.

ARTICLE X—AMENDMENTS

Amendments to this Constitution and the attached Bylaws 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 Town and, if approved by the Secretary of Interior, shall be submitted to a referendum vote of the adult members of the Town and shall be effective if approved by a majority of the votes cast, provided that at least 30 percent of the eligible voters vote.

BYLAWS

ARTICLE I—DUTIES OF OFFICERS

SECTION 1. The Town King shall preside at all meetings of the Town and of the Business Committee. He shall have general supervision of the affairs of the Town and of the Business Committee and shall perform all duties appertaining to the office of Chairman. He shall vote only in case of a tie. He shall countersign all checks, issued by the Treasurer of the Town, drawn on Kialegee Tribal Town funds.

SEC. 2. The 1st Warrior shall perform the duties of the Town King in case of the King's absence. In case of vacancy in the King's office, the 1st Warrior shall succeed at once to that office until the next regular meeting of the Town. Then an election of the Town King shall be held as provided under Article VII of the Town Constitution.

SEC. 3. The 2nd Warrior shall be the spokesman for the Town, or for the Business Committee, before any other Indian organization or before any officials of the State of Oklahoma and the United States.

SEC. 4. The Secretary shall keep an accurate record of all proceedings and official papers of the Town and of the Business Committee.

He shall be responsible for the handling of all correspondence pertaining to the business of the Town and of the Business Committee.

He shall keep a correct list of all members of the Town.

He shall authenticate all accounts or orders of the Town.

All official records of the Secretary shall be open to inspection by the members of the Town, in the presence of the Secretary, upon order of the Grievance Committee.

He shall render a written annual report at the annual meeting of the Town.

At the expiration of his term of office, the records and all papers of the Town in his possession shall be turned over to his successor.

SEC. 5. The Treasurer shall be the custodian of all funds in possession of the Town from any source. He shall keep an accurate record of all such funds and shall disburse the same in accordance with the order of the Business Committee. He shall disburse money in checks and all checks must be countersigned by the Town King.

He shall keep all tribal moneys entrusted to his care in a special account. At any time when such account shall amount to more than \$50.00 he shall furnish and file a bond satisfactory to the Business Committee and to the Commissioner of Indian Affairs.

The cost of such bond shall be paid out of tribal money until the Business Committee rules it different. He shall render a written report at the annual meeting of the Town, and at such times as he is requested to do so by the Business Committee. At the expiration of his term of office, the records and all papers and moneys or securities in his possession shall be turned over to his successor.

SEC. 6. The duty of the Advisory Committee shall be to advise, instruct and assist the elected officers in managing and carrying out the purposes of this Constitution and Bylaws.

SEC. 7. The duty of the Grievance Committee shall be the investigation of the members of the Business Committee in performing their duties in respective offices.

ARTICLE II—HEADQUARTERS

The meeting place of the Kialegee Tribal Town shall be at Martin Givens' residence two miles north of Wetumka, Oklahoma, until and unless the officers deem it convenient to hold such meetings at another place.

ARTICLE III—MEETINGS

SECTION 1. The annual meeting of the Town membership shall be the second Thursday in June of each year for the purpose of receiving reports of officers and transacting business which may come regularly before the Town.

SEC. 2. There shall be a quarterly meeting of the Town membership on the second Thursday in September, December, March, and June of each year.

SEC. 3. Special meetings of the Town membership may be called by the Town King at his discretion and must be called by him upon the request of a majority of the Business Committee members.

SEC. 4. The regular meetings of the Business Committee shall be held on the first Tuesday in each month unless otherwise provided by resolution.

SEC. 5. Special meetings of the Business Committee may be called by the Town King at his discretion and must be called by him upon the request of a majority of the members of the Business Committee.

SEC. 6. The object of any special meeting must be stated in the call, and no other business can be transacted except that stated in the call.

ARTICLE IV—ORDER OF BUSINESS

The order of business of the Town and of the Business Committee shall be as follows:

- (1) Call to order by the Town King or by the 1st Warrior in the absence of the Town King;
- (2) Invocation by one selected by the presiding officer;
- (3) Roll call by the Secretary;
- (4) Ascertainment of a quorum in Business Committee meetings;
- (5) Reading of minutes of previous meeting by Secretary;
- (6) Approval of minutes by vote;

- (7) Actions on unfinished business;
- (8) New business may be presented for action;
- (9) Open Forum;
- (10) Adjournment.

ARTICLE V—QUORUM OF BUSINESS COMMITTEE

Seven or more members of the Business Committee shall constitute a quorum to transact business at any meeting.

ARTICLE VI—QUALIFICATION OF OFFICERS

Any elected officer or appointed member of a committee shall not be less than 21 years nor over 60 years of age. Each elected officer and each member of any committee must be well fitted to execute the duties of the office in which he is to act in the interest and general welfare of the Town.

Any person holding an elective or appointive office who moves away from the State of Oklahoma shall automatically lose his office.

ARTICLE VII—ADOPTION

This Constitution and Bylaws shall be effective when approved by the Secretary of the Interior and ratified by a majority vote of the members of the Kialegee 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 Congress approved 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 Bylaws of the Kialegee Tribal Town of Oklahoma.

OSCAR L. CHAPMAN,
Assistant Secretary.
[SEAL]

WASHINGTON, D. C., *April 14, 1941.*

CERTIFICATION

Pursuant to an order, approved April 14, 1941, by the Assistant Secretary of the Interior, the attached Constitution and Bylaws was submitted for ratification to the members of the Kialegee Tribal Town of Oklahoma and was on June 12, 1941, duly approved by a vote of 39 for, and 17 against, in an election in which over 30 percent 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).

ALBERT COACHMAN,
Chairman, Kialegee Tribal Town.
LOUIS KING,
Secretary, Kialegee Tribal Town.

A. M. LANDMAN,
Supt., Five Civilized Tribes.