

BY-LAWS
OF THE
FORT BELKNAP INDIAN COMMUNITY
OF THE FORT BELKNAP INDIAN RESERVATION

ARTICLE I - DUTIES OF OFFICERS

SECTION 1: CHAIRMAN: It shall be the duty of the Chairman to preside at all meetings of the Council and to direct the work of its officers. He shall appoint such standing committees as are provided for in the bylaws and constitution and such temporary committees as the business of the Community may require. He shall issue all necessary writs for regular or special elections, setting dates, place of polling, cause due notices to be posted, and in other ways perform any and all duties devolving upon his office with diligence and dispatch.

SECTION 2: VICE-CHAIRMAN: The Vice-Chairman shall preside at any meeting of the council from which the Chairman is absent, and in the event of the death of the Chairman or his resignation or removal from office, he shall serve the remainder of the term as Chairman.

SECTION 3: SECRETARY-TREASURER: The Secretary-Treasurer shall conduct the correspondence of the Community council, shall keep all records, minutes of meetings, roster of members, records as to expenditures and allotments of tribal, gratuitous, or other funds over which the council has sole charge. He shall keep an accurate record of all members of the Community, prepare necessary resolutions for appropriate action by the council; he shall prepare or cause to be prepared by such assistants as are assigned to him by the Chairman, such reports or registers as the Chairman or council may direct. He shall be required to give bond acceptable to the Community and the Commissioner of Indian Affairs.

ARTICLE II - QUALIFICATIONS OF OFFICE

No person shall represent the Community on the Council unless he is a duly enrolled member of the Community who has attained the age of twenty-five years, and who has never been convicted of a major crime.

ARTICLES III - SALARIES

The Councilmen shall receive as compensation for their services not to exceed \$3.00 per day while in session, and a mileage fee of five cents per mile for travel from their home to place of meeting and return. Expenses shall be

paid from tribal funds. The Community Council will fix salaries of officers or committeemen.

ARTICLE IV - MEETINGS AND PROCEDURE

SECTION 1: REGULAR MEETING: The Community Council shall assemble on the first Monday of every month.

SECTION 2; SPECIAL MEETINGS: A special meeting may be called upon two days notice by the Chairman or by any four members of the council.

SECTION 3: QUORUM: A majority of the members shall constitute a quorum to do business.

SECTION 4: RULES OF ORDER: The council may determine the rules of its proceedings and may punish its members for disorderly behavior.

SECTION 5: PLACE OF MEETINGS: The official meeting place of the Community Council shall be at the agency headquarters unless otherwise agreed.

SECTION 6: DISQUALIFICATION FOR INTEREST: No member of the council shall cast a vote on any question in which he may have a personal pecuniary interest.

ARTICLE V - LAND

SECTION 1: ALLOTTED LANDS: Allotted lands, including heirship lands, within the Fort Belknap Indian Reservation shall continue to be held by their present owners as heretofore. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of Montana or of the Federal Government, or by the tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Fort Belknap Indian Community. Likewise it is recognized that under existing law the Secretary of the Interior may remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold to non-Indians. The right of the individual Indian to hold or to lose his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Fort Belknap Indian Community, either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SECTION 2: Community LANDS: The unallotted lands of the Fort Belknap Indian Reservation, and all lands which may hereafter be acquired by the Fort Belknap Indian Community, shall be held as community lands and shall not be

allotted to individual Indians but may be assigned to members of the Fort Belknap Indian Community, or leased, or otherwise used by the Community as hereinafter provided.

SECTION 3: LEASING OF Community LANDS: Community lands may be leased by the Community Council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of Community lands preference shall be given, first, to Indian Cattle associations, and, secondly, to individual Indians who are members of the Fort Belknap Indian Community. No lease of Community land to a nonmember shall be made by the Community Council unless it shall appear that no Indian cattle association or individual member of the Community is able and willing to use the land to pay a reasonable fee for such use.

Grazing permits covering Community land may be issued by the Community Council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

Free grazing privileges covering not to exceed 30 head of cattle or an equivalent amount of other livestock, may be assigned on Community grazing land by the Council, to members of the Community who do not have any grazing lands.

SECTION 4: GRANT OF "STANDARD" ASSIGNMENTS: In any assignment of Community lands which are now owned by the Community or which may be hereafter acquired for the Community by the United States, or purchased by the Community out of Community funds, preference shall be given to members of the Community who have no allotted lands or previous assignments of Community lands.

Members of the Community, who at the time of allotment on the Fort Belknap Indian Reservation accepted a cash settlement in lieu of allotted lands, are considered as having allotted lands, and no preference shall be shown such members by reason of their being landless.

No allotted member of the Community who may hereafter have the restrictions upon his land removed and whose land may hereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The Community Council may if it sees fit, charge a fee of not to exceed \$25.00 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless members of the Community, and shall be known as "standard" assignments.

SECTION 5: TENURE OF STANDARD ASSIGNMENTS: If any member of the Community holding a standard assignment of land shall, for a period of two years fail to use the land so assigned, or shall, after due warning from the proper Community

Officials, persist in using such land for any unlawful purpose, his assignment may be cancelled by the Community Council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 4 of this article.

Upon the death of any Indian holding a "standard" assignment, his heirs or other individuals designated by him, by will or written request, shall have a preference in the reassignment of the land, provided such persons are members of the Fort Belknap Indian Community who would be eligible to receive a "standard" assignment.

SECTION 6: GRANT OF "EXCHANGE" ASSIGNMENTS: Any member of the Community who owns an allotment or any share of heirship land may, with the approval of the secretary, voluntarily transfer his interest in such land to the Community in exchange for an assignment to the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as "exchange" assignments.

SECTION 7: LEASING OF EXCHANGE ASSIGNMENTS: Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the Tribe, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians, in the same manner as allotted lands.

SECTION 8: INHERITANCE OF EXCHANGE ASSIGNMENTS: Upon the death of the holder of any exchange assignment, such land shall be reassigned by the Community Council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Fort Belknap Indian Community, except that a life assignment may be made to the surviving widower or widow of the holder of an assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than 1,000 acres of grazing land, or other land or interests in land of equal value, either under allotment or under exchange assignment.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than 40 acres, and no area of agricultural land shall be subdivided into units smaller than two and one-half acres, except that land used for building or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Community Council shall issue to such

heirs or devisees grazing permits or other interests in tribal lands of the same value as the assignment of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of section 4 of this article.

SECTION 9: INHERITANCE OF IMPROVEMENTS: Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Fort Belknap Indian Community or otherwise disposed of under such regulations as the Community Council shall provide. No permanent improvements shall be moved from the land without the consent of the Community Council.

SECTION 10: EXCHANGE OF ASSIGNMENTS: Both standard and exchange assignments may be exchanged between members of the Fort Belknap Indian Community by common consent in such manner as the Community Council shall designate.

SECTION 11: USE OF UNASSIGNED Community LAND: Community land which is not assigned, including Community timber reserves, shall be managed by the Community Council for the benefit of the members of the entire Community, and any cash income derived from such land shall accrue to the benefit of the Community as a whole.

SECTION 12: PURCHASE OF LAND BY Community: Amended in its entirety - Amendment #3 - Nov. 9, 1960) /16 Available tribal funds may be used to acquire and under the following conditions:

(a) The Fort Belknap Indian Community Council, may, in accordance with law, purchase land within the Fort Belknap Indian Reservation or adjacent thereto; and may exchange tribal lands for other lands within the reservation, subject to the approval of the Secretary of the Interior or his duly authorized representative.

(b) The Community may purchase any land from its members who desire to sell to the tribe. /12, 16a

SECTION 13: METHOD OF MAKING ASSIGNMENTS: Applications for assignment shall be filed with the secretary of the council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located for not less than 20 days before action is taken by the council. Any member of the Community wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the secretary of the council, and may, if he so desires, appear before the council, to present evidence. The secretary of the council shall furnish the

superintendent or other officer in charge of the agency a complete record of all action taken by the council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the Community.

The council shall draw up one or more forms for standard and exchange assignments, which forms shall be subject to the approval of the Secretary of the Interior.

- /16 - Article V, Section 12 of Bylaws amended in its entirety by amendment No. III, see Appendix #16
- /16a - Original wording of Article V, section 12, see Appendix #16a
- /12 - Plan of Operations for Fort Belknap Indian Land Enterprise, see Appendix #12

ARTICLE VI - ADOPTION

This constitution and bylaws, when ratified by a majority vote of the qualified voters of the Fort Belknap Indian Community voting at a special election called for the purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of approval.

UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS, FIELD SERVICE
FT. BELKNAP INDIAN AGENCY
HARLEM, MONT. OCT. 21, 1935

CERTIFICATE OF ADOPTION

Pursuant to an order, approved September 25, 1935, by the Secretary of the Interior, the attached constitution and bylaws were submitted for ratification to the members of the Fort Belknap Indian Community of the Fort Belknap Indian Agency, Harlem, Montana, and were on October 19, 1935, duly adopted by a majority vote of the members of said voting in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (Pub. No. 147, 74th Cong.)