

Saginaw
"Tribal"

1937

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CORPORATE CHARTER
OF THE
SAGINAW CHIPPEWA INDIAN TRIBE
OF THE ISABELLA RESERVATION
OF MICHIGAN



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CORPORATE CHARTER OF THE SAGINAW CHIPPEWA INDIAN TRIBE OF THE ISABELLA RESERVATION OF MICHIGAN

A FEDERAL CORPORATION CHARTERED UNDER THE ACT OF JUNE 18, 1934

Whereas, the Saginaw Chippewa Indian Tribe of the Isabella Reservation in Michigan is a recognized Indian tribe organized under a Constitution and By-laws ratified by the Tribe on March 27, 1937, and approved by the Secretary of the Interior on May 6, 1937, pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such tribe subject to ratification by a vote of the adult Indians living on the reservation;

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 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Saginaw Chippewa Indian Tribe of the Isabella Reservation to be effective from and after such time as it may be ratified by a majority vote at an election in which at least thirty per cent of the adult Indians living on the reservation shall vote.

Corporate Existence.

1. In order to further the economic development of the Saginaw Chippewa Indian Tribe of the Isabella Reservation in Michigan by conferring upon the said tribe certain corporate rights, powers, privileges and immunities; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Saginaw Chippewa Indian Tribe."

Perpetual Succession. Member- ship.

2. The Saginaw Chippewa Indian Tribe shall, as a Federal Corporation, have perpetual succession.
3. The Saginaw Chippewa Indian Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved constitution and by-laws.

Manage- ment.

4. The Tribal Council of the Saginaw Chippewa Indian Tribe established in accordance with the said constitution and by-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

Corporate Powers.

5. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the tribal constitution and by-laws.

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made of any land, or interests in land, including water power sites, water rights, oil, gas, and other mineral rights, now or hereafter held by the Tribe within the boundaries of the Isabella Reservation.

(2) No mortgage may be made by the Tribe of any standing timber on any land now or hereafter held by the Tribe within the boundaries of the Isabella Reservation.

(3) Leases or permits (which terms shall not include land assignments to members of the Tribe) may be made to members of the Tribe, on any land now or hereafter owned by the Tribe, for a term of one year; timber sale contracts and leases may be made for a term not to exceed ten years, subject to the approval of the Secretary of the Interior or his duly authorized representative: *Provided*, That oil and gas leases, water power leases, or any leases requiring substantial improvements of the land may be made for longer periods than ten years, when authorized by law.

(4) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal timber, or other natural resources of the Isabella Reservation. All leases, permits, and timber sale contracts relating to the use of tribal timber lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to sustained yield forestry management, and other matters therein specified.

Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

- (c) To issue certificates of interest in corporate property in exchange for restricted Indian lands, the forms for such certificates to be approved by the Secretary of the Interior.
- (d) 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), or from any other Governmental agency, or from any member or association of members of the Tribe, 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 associations of members of the Tribe: *Provided*, That the amount of indebtedness to which the Tribe may subject itself, other than indebtedness to the Indian Credit Fund, shall not exceed \$5,000, except with the express approval of the Secretary of the Interior.
- (e) To engage in any business or undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.
- (f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter: *Provided*, That any contract involving payment of money by the corporation in excess of \$5,000 in any one fiscal year shall be effective when approved by the Secretary of the Interior or his duly authorized representative.
- (g) To pledge or assign chattels or future tribal income: *Provided*, That any agreement or pledge of tribal income, other than an agreement with the United States, shall not extend more than five years from the date of execution and shall not cover more than one-half the net income from any one source: *And provided further*, That any such agreement shall be subject to the approval of the Sec-

retary of the Interior or his duly authorized representative.

- (h) To deposit corporate funds, from whatever source derived in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the corporation.
- (i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.

Termination of Supervisory Powers.

6. At any time after five years from the effective date of this Charter, the Tribal Council may request the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b) 3, 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and section 9 of this Charter. Upon approval by the Secretary of the Interior of such request the supervisory power in question shall be terminated forthwith. If such request shall be made and the Secretary of the Interior shall disapprove it or fail to approve or disapprove it within 90 days after its receipt, the question of the termination of any such power may then be submitted by the Secretary of the Interior or by the Tribal Council to popular referendum of the adult members of the Tribe actually living within the reservation and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

Corporate Property.

7. No property rights of the Saginaw Chippewa Indian Tribe as heretofore constituted, shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

Reserve Fund.

8. Twenty-five per cent of net income from corporate enterprises shall be placed in a reserve fund, annually, until said reserve fund equals not less than 25 per cent of the capital investment in such corporate enterprises. Thereafter the amount of net income to be devoted to the reserve fund may be optional, except that amounts expended therefrom shall be replaced in the same manner that the fund was created. This fund shall be used only for repairs, replacements, improvements, and expansion of corporate enterprises.

Corporate Dividends.

9. The Tribe may issue to each of its members a non-transferable certificate of interest in corporate property and corporate enterprises evidencing the equal share of each of such members of the Tribe in the corporate assets of the Tribe and may make a dividend distribution among such members of profits of corporate enterprises over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the cost of public enterprise, the expenses of tribal government, the needs of charity, or other corporate purposes. No such distribution of profits shall be made amounting to a distribution of more than one-half of the accrued surplus, without the approval of the Secretary of the Interior. No distribution of the financial assets of the Tribe shall be made except as provided herein or as authorized by Congress.

Corporate Accounts.

10. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

Amendments.

11. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Tribal Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members of the Tribe residing on the reservation at a popular referendum in which at least 30 per cent of the eligible voters shall vote.

Ratification.

12. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Saginaw Chippewa Indian Tribe residing on the Isabella Reservation, provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Tomah Agency and the Tribal Chief and Tribal Secretary of the Tribal Council.

Submitted by the Assistant Secretary of the Interior for ratification by the Saginaw Chippewa Indian Tribe in a popular referendum to be held on August 28, 1937.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *August 13, 1937.*

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on August 13, 1937 by the Assistant Secretary of the Interior to the Saginaw Chippewa Indian Tribe of the Isabella Reservation, Michigan, was duly submitted for ratification to the adult Indians living on the reservation and was on August 28, 1937 duly ratified by a vote of 72 for, and 2 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

ELIJAH ELK,
Tribal Chief of the Tribal Council.

ELMER B. SIMONDS,
Tribal Secretary of the Tribal Council.

PERU FARVER,
Superintendent of the Tomah Agency.

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