

*Te-Moak Bands of Western Shoshone
"Inscribed"*

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CORPORATE CHARTER
OF THE
TE-MOAK BANDS
OF WESTERN SHOSHONE INDIANS
OF THE
STATE OF NEVADA



RATIFIED DECEMBER 12, 1938

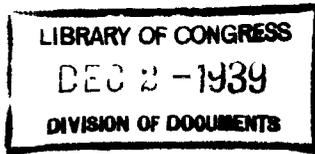


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CORPORATE CHARTER OF THE TE-MOAK BANDS OF WESTERN SHOSHONE INDIANS OF THE STATE OF NEVADA

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

Whereas, the Te-Moak Bands of Western Shoshone Indians of the State of Nevada constitute a recognized Indian tribe organized under a constitution and by-laws ratified by the residents of the Elko Government Colony on May 31, 1938, and approved by the Secretary of the Interior on August 24, 1938, 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 Te-Moak Bands of Western Shoshone Indians have petitioned that a charter of incorporation be granted to such Indians, subject to ratification by a vote of the adult Indians who are members of said Bands;

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 Indians of the Te-Moak Bands of Western Shoshone Indians to be effective from and after such time as it may be ratified by a majority vote of the adult Indians who are members of said Bands and who are residing on the Elko Government Colony at the time of an election for the ratification hereof in which at least thirty per cent of the eligible voters vote.

Corporate Existence and Purposes.

1. In order to further the economic development of the Te-Moak Bands of Western Shoshone Indians in the State of Nevada by conferring upon the said Indians certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Indians of various functions heretofore performed by the Department of the Interior, the aforesaid Indians are hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Te-Moak Bands of Western Shoshone Indians of Nevada."

Perpetual Succession.

2. The Te-Moak Bands of Western Shoshone Indians of Nevada shall, as a Federal corporation, have perpetual succession.

Membership.

3. The Te-Moak Bands of Western Shoshone Indians shall be a membership corporation. Its members shall consist of all persons now or hereafter mem-

bers of the Te-Moak Bands of Western Shoshone Indians of Nevada, as provided by their duly ratified and approved constitution and by-laws.

Management.

4. The Te-Moak Western Shoshone Council established in accordance with the said constitution and by-laws of the Te-Moak Bands of Western Shoshone Indians, shall exercise all the corporate powers hereinafter enumerated.

Corporate Powers.

5. The Te-Moak Bands of Western Shoshone Indians, subject to any restrictions contained in the constitution and laws of the United States, or in the constitution and by-laws of the said Te-Moak Bands of Western Shoshone Indians, 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 by the Te-Moak Bands of any land or interests in land, including mineral rights, now or hereafter held by the members of the Te-Moak Bands of Western Shoshone Indians of Nevada within the territory of the Tribe.

(2) No leases or permits (which term shall not include land assignments to members of the Bands) covering any land or interests in land now or hereafter held by the Indians within the territory of the Te-Moak Bands shall be made by the Indians for a longer term than ten years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(3) No action shall be taken by or in behalf of the Te-Moak Bands which in any way operates to destroy or injure the grazing lands or other natural resources of the Te-Moak Bands of Western Shoshone Indians of Nevada.

All leases or permits relating to the use of grazing 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 range carrying capacity and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease or permit 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 interests in corporate property in exchange for restricted Indian lands, the forms for such interests 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 Te-Moak Bands of Western Shoshone Indians, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or to cooperative associations of members of the Bands, to community organizations for community use, or for loans by the community to members or to cooperative associations of members of the community: *Provided*, That the amount of indebtedness to which the Indians may subject themselves, aside from loans from the Indian Credit Fund, shall not exceed \$500, except with the express approval of the Secretary of the Interior.
- (e) To engage in any business that will further the economic well-being of the members of the Bands, or to 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, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Nevada, including agreements with the State of Nevada for the rendition of public serv-

ices: *Provided*, That all contracts involving payment of money by the corporation in excess of \$300 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

- (g) To pledge or assign chattels or future tribal income due or to become due to the Te-Moak Bands: *Provided*, That no such assignment of tribal income, other than an assignment to the United States, shall extend more than ten years from the date of execution and shall not amount for any one year to more than one-half of the net tribal income from any one source: *And, provided further*, That any such pledge or assignment shall be subject to the approval of the Secretary 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 Te-Moak Bands of Western Shoshone Indians of Nevada.
- (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 Tribe or by the United States to the levy or any judgment, lien or attachment upon the property of the Te-Moak Bands of Western Shoshone Indians other than income or chattels specially pledged or assigned.
- (j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

Termination of Supervisory Powers.

6. Upon request by the Te-Moak Western Shoshone Council for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b) (2), 5 (d), 5 (f), 5 (g), 5 (h), and section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Indians. The termination shall be effective upon ratification by a majority

vote of the adult members of the Te-Moak Bands of Western Shoshone Indians, at an election in which at least thirty per cent of the eligible voters vote. If at any time after ten years from the date of ratification of this Charter such request shall be made and the Secretary shall disapprove it, or fail to approve or disapprove it, within ninety days after its receipt, the question of the termination of any such power may then be submitted by the Secretary or by the Te-Moak Western Shoshone Council to popular referendum of the adult members actually living within the territory of the Te-Moak Bands, 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 members of the Te-Moak Bands of Western Shoshone Indians of Nevada shall be in any way impaired by anything contained in this Charter, and the ownership by the Indians 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 may be satisfied or cancelled pursuant to law.

*Corporate
Dividends.*

8. The Council may issue to each of the members of the Te-Moak Bands of Western Shoshone Indians of Nevada a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita among the recognized members of the Tribe, all income of the Tribe over and above sums necessary to defray corporate obligations to members of the Tribe or to other persons, and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. No such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus, shall be made without the approval of the Secretary of the Interior. No financial assets of the Te-Moak Bands shall be distributed except as provided herein.

*Corporate
Accounts.*

9. The officers of the Te-Moak Bands of Western Shoshone Indians of Nevada shall maintain accurate and complete public accounts of the financial affairs of the Indians, 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.* 10. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Te-Moak Western Shoshone 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 at a popular referendum in which at least thirty per cent of the eligible voters vote.
- Ratification.* 11. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Te-Moak Bands who reside in the Elko Government Colony, provided at least thirty per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Carson Indian Agency and the Chairman and Secretary of the Te-Moak Bands.

Submitted by the Assistant Secretary of the Interior for ratification by the Indians of the Te-Moak Bands of Western Shoshone Indians of Nevada.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *October 28, 1938.*

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on October 28, 1938 by the Assistant Secretary of the Interior to the Te-Moak Bands of Western Shoshone Indians of the State of Nevada, was duly submitted for ratification to the adult members of said Bands residing in the Elko Government Colony and was on December 12, 1938, duly ratified by a vote of 37 for, and 2 against, in an election in which over 30 per cent of those entitled to vote cast their ballots.

JIMMIE JAMES,
Chairman, Te-Moak Western Shoshone Council.

CHARLES MALOTTE,
Secretary, Te-Moak Western Shoshone Council.

ALIDA C. BOWLER,
Superintendent, Carson Indian Agency.

