

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

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CONSTITUTION AND BYLAWS OF THE  
HANNAHVILLE INDIAN COMMUNITY  
" "  
MICHIGAN

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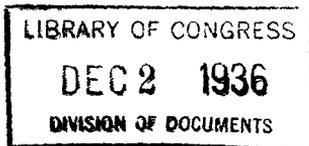
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Office  
Indian Tribes  
Hannahville Indian  
Community  
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# CONSTITUTION AND BYLAWS OF THE HANNAHVILLE INDIAN COMMUNITY

## PREAMBLE

We, the Potowatomies residing near Wilson and Harris in Menominee County, Michigan, on lands reserved for the Wisconsin Potowatomies residing in Michigan, in order to form a representative organization, to promote the welfare of our people, to preserve the land for ourselves and our children, and to provide homes for all the Indians of this Community who need them, do establish this Constitution.

## ARTICLE I—NAME

The name of this community shall be Hannahville Indian Community.

## ARTICLE II—LAND COVERED BY THIS CONSTITUTION

The land within the control of this Community under this Constitution shall include all land now held by the United States for the Wisconsin Potowatomies residing in Michigan purchased under the Act of June 30, 1913 (38 Stat. 102), and any other land which the United States shall acquire for the benefit of these Indians or which this Community shall acquire for itself.

## ARTICLE III—MEMBERSHIP

SECTION 1. All persons of Indian blood whose names appear on the census roll of April 1, 1934, of the Crandon Sub-Agency and who were at the time of that roll residing or entitled to reside on land bought in Michigan under the Act of June 30, 1913, and all their descendants who are so residing or entitled to reside at the time of the adoption of this Constitution are members of this Community. Within 2 years after the adoption of this constitution the governing body of the Community may correct the above-mentioned census roll, if necessary, with the approval of the Secretary of the Interior.

SEC. 2. (a) Every child born to any member of the Community provided such member is a resident of the reservation at the time of birth of said child shall be a member of this Community.

(b) Every child both of whose parents are members of the Community shall be a member of this Community.

(c) Every child of one-half or more Indian blood born to any nonresident member of the Community shall be a member of this Community.

SEC. 3. The members of this Community may by a majority vote adopt as a member of the Community any person of Indian blood

related by marriage or descent to the members of the Community who will assist the Community in the fulfillment of its purposes and also any other person whose adoption is approved by the Secretary of the Interior.

#### ARTICLE IV—GOVERNING BODY

SECTION 1. A council composed of the three officers of the Community and of nine councilmen shall be the governing body of the Community. Of the members of the council at least one shall be a resident of Wilson, Mich.

SEC. 2. The three officers of the Community shall be the Chairman, the Secretary, and the Assistant Secretary who shall also be the Treasurer.

SEC. 3. The three officers and the nine Councilmen shall be elected annually by the members of the Community on the first Monday of May, except as provided in section 8 of this Article.

SEC. 4. If any vacancy occurs on the Council, the remaining members of the Council shall designate a member of the Community to fill the vacancy until the next annual election.

SEC. 5. The Council shall hold its regular meetings at least every 3 months on the first Monday of the month, beginning on the first Monday of June, and at such other intervals as the Council shall decide upon.

SEC. 6. The Chairman may call special meetings of the Council for the consideration of matters requiring immediate attention.

SEC. 7. A quorum of the Council shall consist of seven members of the Council.

SEC. 8. The present Council shall call, hold, and supervise the first election within sixty (60) days after the adoption and approval of this Constitution and Bylaws, and the councilmen then elected shall serve until their successors are elected in May, 1937. After the first election, all election rules shall be made by the Council elected under this Constitution.

#### ARTICLE V—POWERS OF THE COUNCIL

SECTION 1. The Council shall have the following powers:

(1) To make assignments of the land of the Community to members of the Community according to Article VI of this Constitution.

(2) To manage the business affairs and enterprises of the Community in accordance with the terms of a charter granted to the Community by the Secretary of the Interior, and to issue a charter to any group of members of the Community for business purposes.

(3) To create a community fund by levying assessments for the use of the facilities and property of the community upon members of the Community whenever the members of the Community shall approve such assessment by vote, and by levying assessments upon nonmembers seeking to use or do business upon the land of the Community. All assessments on nonmembers shall be subject to review by the Secretary of the Interior.

(4) To expend funds from the community fund for the conduct of community business and for the welfare of the Community.

(5) To protect the health and well-being of the members of the Community and to develop the arts and crafts of the Community.

(6) To make rules which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Community, and to set up a Community Court to enforce these rules.

(7) To protect and preserve the property, wildlife, and natural resources of the Community, and to license and control the hunting by nonmembers of the land of the Community subject to the approval of the Secretary of the Interior.

(8) To prevent the sale, disposition, lease, or encumbrance of community land, interests in land or other community assets without the consent of the Community.

(9) To negotiate with the federal, state, and local governments on behalf of the Community and to consult with representatives of the Interior Department on all activities of the Department that may affect the Hannahville Indian Community.

(10) To confer with the Secretary of the Interior upon all appropriation estimates or Federal projects for the benefit of the Community prior to the submission of such estimates to the Bureau of the Budget and Congress.

(11) To employ legal counsel for the protection and advancement of the rights of the Hannahville Indian Community and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(12) To make rules for its own procedure and the conduct of its business of governing the Community, and to delegate to committees of the council any of the foregoing powers, reserving the right to review any action taken under such delegated powers.

SEC. 2. The Council shall not exercise any of the foregoing powers so as to conflict with any laws of the United States which apply to the Hannahville Indian Community.

SEC. 3. *Future powers.*—The Council of the Hannahville Indian Community may exercise such further powers as may in the future be delegated to the Council by the Secretary of the Interior, or by any other duly authorized official or agency of government or by any member of the Community.

SEC. 4. *Reserved powers.*—Any rights and powers which the Wisconsin Potowatomies residing on government-purchased land in Michigan previously had but which are not expressly referred to in this Constitution may be exercised by the people of the Hannahville Indian Community through the adoption of appropriate bylaws and constitutional amendments.

SEC. 5. *Manner of review.*—Any action of the Council which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the jurisdiction, who shall, within ten (10) days thereafter, approve or disapprove the same. If the Superintendent shall approve such action, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety (90) days from the date the Council decided on such action, disapprove such action, for any cause, by notifying the Council of such decision. If the Superintendent shall refuse to approve any action submitted to him, within ten (10)

days after the Council made its decision, he shall advise the Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the action to the Secretary of the Interior, who may, within ninety (90) days from the date the Council made its decision, approve the same in writing, whereupon the action of the Council shall become effective.

#### ARTICLE VI—ASSIGNMENTS OF LAND

SECTION 1. Every member of the Community who has an assignment at the time of the adoption of this constitution or who is assigned land by the Council under this constitution shall have the right to hold the assignment as long as he lives. But if any assignee fails to use his assignment for a period of 1 year, the Council shall cancel his assignment and reassign the land to another needy member unless good cause is shown why an extension of time should be granted. The Council shall not cancel any assignment without giving the person who possesses the assignment notice and an opportunity to explain his case.

SEC. 2. When any member of the Community who possesses an assignment of land dies, the Council shall give preference to his heirs in reassigning the land, if the heirs are in need of land.

SEC. 3. If any person has made improvements on his assignment and his assignment is reassigned because of failure to use the assignment or because of death, to some other member of the Community who is not his heir, the person to whom the land is reassigned shall pay the person who made the improvements or his heirs the value of such improvements as determined by the Council.

SEC. 4. The Council shall decide in each individual case the number of acres which shall be included in an assignment according to the needs of the applicant for the assignment and the purposes for which he is going to use the land.

SEC. 5. The Council shall make all further necessary rules governing assignments, which shall be subject to review by the Secretary of the Interior.

#### ARTICLE VII—AMENDMENTS

This Constitution and bylaws may be amended or revoked by a majority vote of the qualified voters of the Hannahville Indian Community voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote, shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of the Council.

#### BYLAWS

##### ARTICLE I—QUALIFICATIONS FOR VOTING AND HOLDING OFFICE

SECTION 1. Every member of the Hannahville Indian Community who has attained the age of 21 years shall be entitled to vote.

**SEC. 2.** Every member of the Hannahville Indian Community who has attained the age of 25 years shall be eligible to be elected to the Council.

## ARTICLE II.—DUTIES OF OFFICERS

**SECTION 1.** The Chairman of the Council shall preside over all meetings of the Council, shall perform all duties of a chairman and exercise any authority laid upon him by the Council, and shall carry on all necessary communications between the Superintendent and the Council. The Chairman shall notify the Council of all communications he has received.

**SEC. 2.** The Secretary of the Council shall keep an accurate record of all matters transacted at the Council meetings. It shall be his duty to make a copy of all minutes of regular and special meetings of the Council, which copy shall be sent to the Superintendent.

**SEC. 3.** The Assistant Secretary shall assist the Secretary as directed by the Council and shall act as Treasurer for the Hannahville Indian Community. As Treasurer, he shall accept, receipt for, and safeguard all funds in the custody of the Council. He shall deposit all such funds in such bank or elsewhere as directed by the Council and shall account for the amount of all funds in his possession upon the request of the Council.

He shall not pay out or otherwise disburse any funds in his possession or in the possession of the Council, except when properly authorized so to do by resolution duly passed by the Council.

The books and records of the Treasurer shall be audited at least once each year and at such other times as the Council or the Commissioner of Indian Affairs may direct, in such manner as may be directed by the Council. The Assistant Secretary shall be required to give surety bond satisfactory to the Council and the Commissioner of Indian Affairs to cover his functions as treasurer. Until sufficient funds have been accumulated in the Community Treasury to justify payment for a surety bond, the Council shall make such other provisions for safe-guarding Community funds as they may consider advisable.

The Assistant Secretary shall be present at all special or regular meetings of the Council.

## ARTICLE III—SALARIES

The Council may prescribe such salaries of officers or members of the Council as it deems advisable, from such funds as may be available, provided that no compensation shall be paid to any Councilman or other officers out of Community Funds under control of the Federal Government except upon a resolution stating the amount of compensation and the nature of services rendered, and the resolution shall be of no effect until approved by the Secretary of the Interior.

## ARTICLE IV—PROCEDURE FOR ADOPTION

This Constitution and the attached bylaws, when adopted by a majority vote of the adult Potawatomes residing on the land reserved near Wilson and Harris, Michigan, for the Wisconsin Pota-

watomies residing in Michigan voting at a special election called by the Secretary of the Interior, in which at least thirty (30) percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

### CERTIFICATION OF ADOPTION

Pursuant to an order, approved May 29, 1936, by the Secretary of the Interior, the attached Constitution and Bylaws was submitted for ratification to the adult Indians residing near Wilson and Harris in Menominee County, Michigan, and was on June 27, 1936, duly adopted by a vote of 41 for, and none against, 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 (49 Stat. 378).

RICHARD MESHIGAUD,  
*Chairman of Election Board.*  
PERCY THUNDER,  
*Secretary of Election Board.*

J. C. CAVILL, *Superintendent.*

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Hannahville Indian Community.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution or Bylaws are hereby declared inapplicable to these Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended July 13, 1936.

WILLIAM ZIMMERMAN, JR.  
*Acting Commissioner of Indian Affairs.*

HAROLD L. ICKES,  
*Secretary of the Interior.*  
[SEAL]

WASHINGTON, D. C., July 23, 1936.

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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

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CORPORATE CHARTER  
OF THE  
WISCONSIN POTAWATOMIES OF THE  
HANNAHVILLE INDIAN  
COMMUNITY

+

RATIFIED AUGUST 21, 1937



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON: 1938

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# CORPORATE CHARTER OF THE HANNAHVILLE INDIAN COMMUNITY, MICHIGAN

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

Whereas, the Wisconsin Potawatomes of Harris-Wilson, Michigan, constitute a recognized Indian Tribe organized as the Hannahville Indian Community under a constitution and by-laws ratified by the Tribe on June 27, 1936, and approved by the Secretary of the Interior on July 23, 1936, 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 said tribe subject to ratification by a vote of the adult members of the Hannahville Indian Community;

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 Hannahville Indian Community, Michigan, to be effective from and after such time as it may be ratified by a majority vote of the adult Indians residing on the lands reserved for the Wisconsin Potawatomes of Michigan.

*Corporate  
Existence.*

1. In order to further the economic development of the Wisconsin Potawatomi Indians residing on the lands reserved for the Wisconsin Potawatomes in the vicinity of Harris-Wilson, Michigan, by conferring upon said tribe certain rights, powers, privileges and immunities; and to provide for the proper exercise by the Tribe of various functions and responsibilities heretofore performed and assumed 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 Hannahville Indian Community."

*Perpetual  
Succession.  
Member-  
ship.*

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

*Manage-  
ment.*

4. The Council of the Community established in accordance with the said constitution and by-laws of the Community shall exercise all the corporate powers hereinafter enumerated.

*Corporate Powers.*

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

(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 Community of any land, or interests in land, now or hereafter held by the Hannahville Indian Community.

(2) No mortgage may be made of any standing timber on any land now or hereafter held by the Community.

(3) No leases, permits, (which terms shall not include land assignments to members of the Community) or timber sale contracts covering any land or interests in land now or hereafter held by the Community shall be made for a longer term than five years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(4) No action shall be taken by or in behalf of the Community which in any way operates to destroy or injure the Community timber or other natural resources. All leases, permits, and timber sale contracts relating to the use of Community timber lands shall conform to regulations of the Secretary of the Interior authorized by section 6 of the Act of June 18, 1934. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contracts 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 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), and to use such funds directly for productive enterprises, or to loan money thus borrowed to individual members or associations of members of the Community.
- (d) To engage in any business that will further the economic well-being of the members of the Community or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.
- (e) 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 Michigan: *Provided*, That any contract involving payment of more than \$100 in any one year by the corporation shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.
- (f) To pledge or assign chattels or future income of the Community due or to become due: *Provided*, That assignments of income, other than assignments to the United States, shall not extend more than five years from 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 Secretary of the Interior or his duly authorized representative.
- (g) 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 with a bonded disbursing officer of the United States to the credit of the Corporation.
- (h) 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 Community or by the United States to the levy of any judgment, lien or attachment upon the property of the Com-

munity other than income or chattels specially pledged or assigned.

- (i) 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. At any time after ten years from the effective date of this Charter, the Council may request the termination of any supervisory power reserved to the Secretary of the Interior under section 5 (b) (3), 5 (e), 5 (f), 5 (g), and section 8 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 Council to popular referendum of the resident, adult members of the Hannahville Indian Community, 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 Wisconsin Potawatomes residing on the lands reserved for the Wisconsin Potawatomes in the vicinity of Harris-Wilson, Michigan, shall be in any way impaired by anything contained in this Charter and the Community 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 Community shall not be subject to any corporate debts or liabilities, without such owners' consent.

*Corporate Dividends.*

8. The Community may distribute per capita among its members profits of corporate enterprises, over and above sums necessary to defray corporate obligations, and over and above all sums which may be devoted to the establishment of a reserve fund, the cost of public enterprises, the expenses of Community government, the needs of charity, or other corporate purpose: *Provided*, That no such per capita distribution of profits shall be made without the approval of the Secretary of the Interior or his duly authorized representative. No distribution of the financial assets of the Community shall be made except as provided herein or as authorized by Congress.

*Corporate Accounts.*

9. The officers of the Community shall maintain accurate and complete public accounts of the financial affairs of the Community, which shall show all credits, debts, pledges, and assignments and shall furnish an annual balance sheet and report of the financial

affairs of the Community to the Commissioner of Indian Affairs.

*Amend-  
ments.*

10. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the 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 Hannahville Indian Community at a popular referendum in which at least 30 per cent of the eligible voters shall vote.

*Ratifica-  
tion.*

11. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Hannahville Indian Community living on the lands reserved for the Wisconsin Potawatomes of Michigan, provided at least 30 per cent of the eligible voters shall vote; such ratification to be formally certified by the Superintendent of the Great Lakes Agency and the Chairman of the Council of the Community.

Submitted by the Assistant Secretary of the Interior for ratification by the Hannahville Indian Community in a popular referendum to be held on August 21, 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 Wisconsin Potawatomes of the Hannahville Indian Community, Harris-Wilson, Michigan, was duly submitted for ratification to the adult members of the Community and was on August 21, 1937 duly adopted by a vote of 42 for, and none against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

FRANK ELIE,  
*Chairman of the Council of the  
Hannahville Indian Community.*

J. C. CAVILL,  
*Superintendent of the Great Lakes Agency.*

