

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CORPORATE CHARTER
OF THE
ONEIDA TRIBE OF INDIANS OF
WISCONSIN OF THE ONEIDA
RESERVATION



RATIFIED MAY 1, 1937



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1937

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CORPORATE CHARTER OF THE ONEIDA TRIBE OF INDIANS OF WISCONSIN OF THE ONEIDA RESERVATION

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

Whereas, the Oneida Tribe of Indians of the Oneida Reservation in Wisconsin is a recognized Indian tribe organized under a Constitution and By-laws ratified by the Tribe on November 14, 1936, and approved by the Secretary of the Interior on December 21, 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 such Tribe subject to ratification by a vote of the adult Indians living on the Reservation;

Now, therefore, I, Harold L. Ickes, 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 Oneida Tribe of Indians of the Oneida Reservation to be effective from and after such time as it may be ratified by a majority vote in an election in which at least 30 per cent of the adult Indians living on the Reservation shall vote.

*Corporate
Existence.*

1. In order to further the economic development of the Oneida Tribe of Indians of the Oneida Reservation in Wisconsin by conferring upon said Tribe 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 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 Oneida Tribe of Indians of Wisconsin."

*Perpetual
Succession.*

2. The Oneida Tribe of Indians of Wisconsin, shall as a Federal Corporation, have perpetual succession.

*Member-
ship.*

3. The Oneida Tribe of Indians of Wisconsin 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 General Tribal Council of the Oneida Tribe of Indians of Wisconsin 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, except to the United States, may be made by the Tribe 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 Oneida 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 Oneida 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, without the approval of the Secretary of the Interior; 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 grazing lands, timber or other natural resources of the Oneida Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or 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 range carrying capacity, 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.

- (5) No distribution of corporate property to members shall be made except out of net income.
- (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 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 that will further the economic well-being of the members of the Tribe 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 Wisconsin including agreements with the State of Wisconsin for the rendition of public services: *Provided*, That any contract involving payment of money by the corporation in excess of \$1,000 in any one year shall be subject to the approval of the Secretary of the Interior.

- (g) To pledge or assign chattels or future tribal income due or to become due to the Tribe: *Provided*, That any such assignment of tribal income, other than an assignment to the United States, shall not extend more than 5 years from the date of execution: *Provided further*, That no such assignment of tribal income shall exceed one-half the net income of the Tribe from any one source: *And provided further*, That any such pledges or assignments 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 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.
- (j) To exercise such further incidental powers not inconsistent with law, as may be necessary to the conduct of corporate business.
6. Upon the request of the General Tribal Council for 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, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination to the Tribe for referendum. The termination shall be effective upon ratification by a majority vote at an election in which at least 30 per cent of the adult members of the Tribe residing on the Reservation shall vote. If at any time after 5 years from the effective date of this Charter, such request shall be made and the Secretary 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 General Tribal Council, to popular referendum of the adult members of the Tribe actually

Termination of Supervisory Powers.

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 Oneida Tribe of Indians of Wisconsin 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. Forty 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 enterprises, 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. The Treasurer of the Tribe shall be the custodian of all moneys which come under the jurisdiction or control of the Tribal Council as provided in the Constitution and By-laws of the Oneida Tribe of Indians of Wisconsin.

- Amendments.* 11. 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 living 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 Oneida Tribe of Indians of Wisconsin living on the Oneida 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 Indian Agency and the Chairman of the Executive Committee of the General Tribal Council.

Submitted by the Secretary of the Interior for ratification by the Oneida Tribe of Indians of Wisconsin of the Oneida Reservation in a popular referendum to be held on May 1, 1937.

CHARLES WEST,
Acting Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *April 14, 1937.*

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this charter, issued on April 14, 1937, by the Secretary of the Interior to the Oneida Tribe of Indians of Wisconsin was duly submitted for ratification to the adult Indians living on the reservation and was on May 1, 1937, duly ratified by a vote of 349 for and none against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

MORRIS WHEELOCK,
*Chairman of the Executive Committee
of the General Tribal Council.*

FRANK CHRISTY,
Superintendent of the Tomah Agency.

