

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CORPORATE CHARTER
OF THE
BAY MILLS INDIAN COMMUNITY
MICHIGAN



RATIFIED NOVEMBER 27, 1937



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CORPORATE CHARTER OF THE BAY MILLS INDIAN
COMMUNITY, MICHIGAN

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

Whereas, the Bay Mills Indian Community, consisting of members of the Sault Ste. Marie Band of Chippewa Indians residing on the Bay Mills Reservation, is a recognized Indian tribe organized under a constitution and by-laws ratified by the Tribe on October 8, 1936, and approved by the Secretary of the Interior on November 4, 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 Bay Mills Indian Community have petitioned that a charter of incorporation be granted to such community 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 Bay Mills Indian Community of the Bay Mills Reservation to be effective when ratified by a majority vote at 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 Indians of the Bay Mills Indian Community of the Bay Mills Reservation by conferring upon said Community certain corporate rights, powers, privileges and immunities; and to provide for the proper exercise by the Community of certain functions heretofore performed by the Department of the Interior, the aforesaid Community is hereby chartered as a body politic and corporate of the United States of America under the corporate name "The Bay Mills Indian Community."

*Perpetual
Succession.
Member-
ship.*

2. The Bay Mills Indian Community shall, as a Federal Corporation, have perpetual succession.
3. The Bay Mills 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 General Tribal Council of the Bay Mills Indian Community established in accordance with the said constitution and by-laws of the Community, shall exercise all the 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 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 Community within or without the boundaries of the Bay Mills Reservation.
 - (2) Leases or permits (which terms shall not include land assignments) may be made to members of the Community for a term not to exceed one year, on any lands now or hereafter held by the Community. 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 may be made for a longer term when authorized by law.
 - (3) No action shall be taken by or in behalf of the Community which in any way operates to destroy or injure the natural resources of community lands, within or without the boundaries of the Bay Mills Reservation. Leases or permits for grazing, or timber sale contracts, covering any lands now or hereafter held by the Community within or without the boundaries of of the Bay Mills Reservation, 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 all leases and

timber sale contracts whether or not such agreements require 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), or from any other source, and to use such funds directly for productive enterprise, or to loan money thus borrowed to individual members or associations of members of the Community: *Provided*, That the amount of indebtedness to which the Community 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.
- (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 the 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: *Provided*, That no contracts involving payment of money by the corporation in excess of \$5,000 in any one year shall be effective unless approved by the Secretary of the Interior or his duly authorized representative.
- (f) To pledge or assign chattels or 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 of the net 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.
- (g) To deposit corporate funds, from any 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.

(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 Community 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 General Tribal Council may request the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b) 2, 5 (c), 5 (e), 5 (f), 5 (g), and section 9 of this Charter. If the Secretary of the Interior shall approve such termination, it shall be effective upon ratification by a majority vote of the adult members of the Community residing on the reservation, at an election in which at least 30 per cent of the eligible voters vote. If the Secretary of the Interior shall disapprove the termination or fail to approve or disapprove it within 90 days after receipt of the request, 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 Community 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 Bay Mills Indian Community as heretofore constituted, 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. Any existing lawful 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 enterprise. 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 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 purposes: *Provided*, That 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 Community shall be made except as provided herein or as authorized by Congress.
- Corporate Accounts.* 10. The officers of the Community shall maintain accurate and complete public accounts of the financial affairs of the Community 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 Community 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 General 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 Community 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 Bay Mills Indian Community residing on the Bay Mills Reservation, provided at least 30 per cent of the eligible voters shall vote, such ratification to be formerly certified by the Superintendent of the Great Lakes Indian Agency and the President and Secretary of the General Tribal Council, of the Bay Mills Indian Community.

Submitted by the Assistant Secretary of the Interior for ratification by members of the Bay Mills Indian Community in a popular referendum to be held on November 27, 1937.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *October 30, 1937.*

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on October 30, 1937, by the Assistant Secretary of the Interior to the Bay Mills Indian Community of the Bay

Mills Reservation, Michigan, was duly submitted for ratification to the adult members of the Community residing on the Bay Mills Reservation and was on November 27, 1937, duly accepted by a vote of 54 for, and 3 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

HERMAN E. CAMERON,
*President of the General Tribal Council
of the Bay Mills Indian Community.*

JOHN H. CAMERON,
*Secretary of the General Tribal Council
of the Bay Mills Indian Community.*

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