

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CORPORATE CHARTER
OF THE
KEWEENAW BAY INDIAN COMMUNITY
OF THE L'ANSE RESERVATION
MICHIGAN



RATIFIED JULY 17, 1937



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CORPORATE CHARTER OF THE KEWEENAW BAY INDIAN COMMUNITY OF THE L'ANSE RESERVATION

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

Whereas, the Keweenaw Bay Indian Community, consisting of the L'Anse, Lac Vieux Desert and Ontonagon Bands of Chippewa Indians of the L'Anse Reservation in Michigan is a recognized Indian tribe organized under a Constitution and By-laws ratified by the Tribe on November 7, 1936, and approved by the Secretary of the Interior on December 17, 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 Keweenaw Bay 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, T. A. Walters, Acting 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 Keweenaw Bay Indian Community of the L'Anse 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 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 Keweenaw Bay Indian Community of the L'Anse Reservation in Michigan by conferring upon the said Community certain rights, powers, privileges and immunities; to secure for the members of the Community the means of an assured economic independence; and to provide for the proper exercise by the Community of various 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 Keweenaw Bay Indian Community."

*Perpetual
Succession.
Membership.*

2. The Keweenaw Bay Indian Community shall, as a Federal Corporation, have perpetual succession.
3. The Keweenaw Bay 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.

Management.

4. The Tribal Council of the Keweenaw Bay Indian 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 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, now or hereafter held by the Community within the boundaries of the L'Anse Reservation.

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

(3) Leases or permits (which terms shall not include land assignments to members of the Community) may be made, on any land now or hereafter owned by the Community, 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 five years, subject to the approval of the Secretary of the Interior or his duly authorized representative: *Provided*, That leases requiring substantial improvements of the land may be made for longer periods than five years, 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 tribal timber, or other natural resources of the L'Anse Reservation. All leases, permits, and timber sale contracts relating to the use of tribal timber lands shall conform to regula-

tions 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.

- (5) No distribution of corporate property to members shall be made except out of net income.
- (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 Community, or from any other source, and to use such funds directly for productive community enterprises, 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.
- (e) 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.
- (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, with the United States or the State of Michigan: *Provided*, That any contract involving payment of money by the corporation in excess of \$1,000 in any one fiscal year

shall be effective only when approved by 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 Community: *Provided*, That any such assignment of community income, other than an assignment to the United States, shall not extend more than five years from the date of execution: *Provided further*, That no such assignment of community income, except assignments made to the United States, shall exceed one-half the net income of the Community 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 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.

6. Upon the request of the 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 Community for referendum. The termination shall be effective upon ratification by a majority vote at an election in which at least thirty per cent of the adult members of the Community residing on the reservation shall vote. If at any time after five 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 ninety days after its receipt, the question of the termination of any

Termination of Supervisory Powers.

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 Community actually living within the reservation and if the termination is approved by two-thirds of the eligible voters, shall be effective.

*Corporate
Property.*

7. No property rights of the Keweenaw Bay Indian Community consisting of the L'Anse, Lac Vieux Desert and Ontonagon Bands of Chippewa Indians 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 of the Community 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 enterprise. Thereafter the amounts 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 issue to each of its members a nontransferable certificate of interest in corporate property and corporate enterprises evidencing the equal share of each of such members of the Community in the corporate assets of the Community 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 community government, the needs of charity, or other corporate purposes. No such distribution of profits, 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 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 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.
12. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Keweenaw Bay Indian Community residing on the L'Anse Reservation, 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 President and Secretary of the Tribal Council of the Keweenaw Bay Indian Community.

Submitted by the Acting Secretary of the Interior for ratification by the Keweenaw Bay Indian Community of the L'Anse Reservation in a popular referendum to be held on July 17, 1937.

T. A. WALTERS,
Acting Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., June 26, 1937.

CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on June 27, 1937 by the Acting Secretary of the Interior to the Keweenaw Bay Indian Community of the L'Anse Reservation, Michigan, was duly submitted for ratification to the adult Indians living on the reservation and was on July 17, 1937 duly adopted by a vote of 226 for, and 7 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

CHARLES PICARD,
*President of the Tribal Council
of the Keweenaw Bay Indian Community.*

JAMES R. JOHNSTON,
*Secretary of the Tribal Council
of the Keweenaw Bay Indian Community.*

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

By G. J. BABER.