

Kalispel Indian Reservation

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CORPORATE CHARTER
OF THE
KALISPEL INDIAN COMMUNITY
OF THE
KALISPEL RESERVATION
WASHINGTON

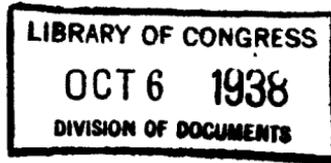


RATIFIED MAY 28, 1938



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1938

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CORPORATE CHARTER OF THE KALISPEL INDIAN COMMUNITY OF THE KALISPEL RESERVATION

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

Whereas, the Kalispel Indian Community of the Kalispel Reservation in the State of Washington constitutes a recognized Indian tribe organized under a constitution and by-laws adopted by the members of the Kalispel Band of Indians on February 26, 1938, and approved by the Secretary of the Interior on March 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 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 Kalispel Indian Community of the Kalispel Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation at an election in which at least 30 per cent of the eligible voters vote.

Corporate Existence.

1. In order to further the economic development of the Kalispel Indian Community of the Kalispel Reservation in the State of Washington by conferring upon the said Community certain corporate rights, powers, privileges and immunities; to secure for the members of the Community 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 Kalispel Indian Community is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Kalispel Indian Community of the Kalispel Reservation."

Perpetual Succession.

2. The Kalispel Indian Community of the Kalispel Reservation shall, as a Federal corporation, have perpetual succession.

Membership.

3. The Kalispel Indian Community of the Kalispel Reservation 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.

Corporate Powers.

4. The Kalispel Community Council established in accordance with the said Constitution and By-laws of the Kalispel Indian Community, shall exercise all the corporate powers hereinafter enumerated.
5. The Kalispel Indian 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 Kalispel Indian 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 by the Community of any land or interests in land, including mineral rights, now or hereafter held by the Community within the boundaries of the Kalispel Indian Reservation.
 - (2) No leases or 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 Kalispel Indian Community within the boundaries of the Kalispel Reservation shall be made by the Community 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 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 Community which in any way operates to destroy or injure the Community grazing lands, timber or other natural resources of the Kalispel Indian Reservation. All leases, permits or timber sale contracts relating to the use of Community 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 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.

- (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 Community, and to use such funds directly for the 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, aside from loans from the Indian Credit Fund, shall not exceed \$3,000, 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, or with the United States or the State of Washington including agreements with the State of Washington for the rendition of public services: *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 income due or to become due to the Community: *Provided*, That no such assignment of Community income, other than an assignment

to the United States, shall extend more than ten years from the date of execution nor 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 Community.
- (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 Community or by the United States to the levy of any judgment, lien or attachment upon the property of the Kalispel Indian Community 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 Kalispel Community Council for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b) (2), 5 (c), 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 Community. The termination 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 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 90 days after its receipt, the question of the termination of any such power may then be submitted by the Secretary or by the Community 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 Kalispel Indian Community 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.

Corporate Dividends.

8. The Community may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Community and may distribute per capita, among the recognized members of the Community, all income of the Community over and above sums necessary to defray corporate obligations to members of the Community 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. Any such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior. No financial assets of the Community shall be distributed except as provided herein.

Corporate Accounts.

9. 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.

10. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Community 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 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 Kalispel Indian Community living on the Kalispel Reservation, provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Northern Idaho Consolidated

Agency and the Chairman and Secretary of the
Kalispel Community Council.

Submitted by the Assistant Secretary of the Interior for ratification by the Kalispel Indian Community of the Kalispel Reservation.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *April 19, 1938.*

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on April 19, 1938 by the Assistant Secretary of the Interior to the Kalispel Indian Community of the State of Washington, was duly submitted for ratification to the adult Indians living on the reservation and was on May 28, 1938 duly ratified by a vote of 21 for, and 1 against, in an election in which over 30 per cent of those entitled to vote cast their ballots.

ANTOINE PEUSE,
Chairman of the Kalispel Community Council.

FRANK NICK,
Secretary of the Kalispel Community Council.

A. G. WILSON,
Superintendent, Northern Idaho Consolidated Agency.

