

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CORPORATE CHARTER
OF THE
EASTERN SHAWNEE TRIBE
" OF OKLAHOMA



RATIFIED DECEMBER 12, 1940



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CORPORATE CHARTER OF THE EASTERN SHAWNEE TRIBE OF OKLAHOMA

A FEDERAL CORPORATION CHARTERED UNDER THE ACT OF JUNE 26, 1936

Whereas, the Eastern Shawnee Tribe of Oklahoma constitutes a recognized tribe of Indians residing in Oklahoma, organized under a Constitution and By-laws approved by the Assistant Secretary of the Interior on November 7, 1939, and ratified by the Indians of the said Tribe on December 22, 1939, pursuant to section 3 of the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967); and

Whereas, the said Tribe, by resolution of the Eastern Shawnee Business Committee duly authorized, has requested that a charter of incorporation be issued to the said Tribe, subject to ratification by a vote of the members of the Tribe;

Now, therefore, I, W. C. Mendenhall, Acting Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said act of June 26, 1936, do hereby issue this Charter of incorporation to the Eastern Shawnee Tribe of Oklahoma, to be effective from and after such time as it may be ratified by a majority vote of the adult members of the Eastern Shawnee Tribe voting: *Provided, however,* That such election shall be void unless the total vote cast be at least 30 percent of those entitled to vote.

Corporate Purposes.

1. The corporate purposes of the Eastern Shawnee Tribe of Oklahoma shall be:
 - (a) To define and safeguard the rights and powers of the Eastern Shawnee Tribe of Oklahoma and its members;
 - (b) To advance the standard of living of the Tribe through the development of tribal resources, the acquisition of new tribal land, the preservation of existing landholdings, the better utilization of land and the development of a credit program for the Tribe;
 - (c) To promote in any other way the general welfare of the Indians of the Eastern Shawnee Tribe of Oklahoma.

Name, Membership and Organ- ization.

2. The name of this corporation shall be the Eastern Shawnee Tribe of Oklahoma, as provided in the Constitution and By-laws of the said Tribe. The membership, the officers, and the management of the incorporated tribe shall be as provided in the said Constitution and By-laws.

Corporate Powers.

3. The Eastern Shawnee Tribe of Oklahoma, subject to any restrictions contained in the Constitution and laws of the United States or in the Constitution and By-laws of the Tribe, and subject to the limitations of sections 4 and 5 of this Charter, shall have the following corporate powers as provided by section 3 of the Oklahoma Indian Welfare Act of June 26, 1936.
- (a) To have succession by its corporate name perpetually.
 - (b) To sue and be sued; to complain and defend in any court: *Provided, however,* That the **grant or exercise** of such power shall not be deemed a consent by the 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.
 - (c) To make and use a common seal and alter the same at pleasure.
 - (d) To appoint such subordinate officers and agents as the business of the Tribe may require and to allow them suitable compensation.
 - (e) To enter into any obligations or contracts essential to the transaction of its ordinary affairs or for the corporate purposes above set forth.
 - (f) 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 section 6 of the Act of June 26, 1936 (49 Stat. 1967), or from any other governmental agency, or from any member or association of members of the Tribe, 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, aside from loans from the Indian Credit Fund, shall not exceed \$150 except with the express approval of the Secretary of the Interior.
 - (g) To deposit corporate funds in a National Bank within the State of Oklahoma or in the Postal Savings Bank or with a bonded disbursing officer of the United States.
 - (h) To negotiate with the Federal, State, or local governments and to advise or consult with the representatives of the Interior Department on all activities of the Department that may affect the Eastern Shawnee Tribe of Oklahoma.

- (i) To employ counsel for the protection and advancement of the rights of the Tribe and its members.
- (j) To prevent any disposition, lease, or encumbrance of tribal lands, interests in land, or other tribal assets.
- (k) To advise the Secretary of the Interior with regard to appropriation estimates or Federal projects for the benefit of the Tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.
- (l) To make assignments of tribal land to members of the Tribe, and to regulate the use and disposition of such assignments.
- (m) To appropriate available funds for public purposes of the Eastern Shawnee Tribe of Oklahoma.
- (n) To regulate the procedure and manner of holding tribal elections.
- (o) To regulate the procedure of the Council and Business Committee and all other tribal committees and officers.
- (p) To protect and preserve the property, natural resources, crafts and traditions of the Eastern Shawnee Tribe of Oklahoma.
- (q) To purchase, take by gift, bequest or otherwise, own, hold, manage, operate, and dispose of property of every description, real or personal, subject to the limitations of sections 4 and 5 of this Charter.
- (r) To issue bonds or other interests in corporate property in exchange for restricted Indian lands.
- (s) To protect all rights guaranteed to the Eastern Shawnee Tribe of Oklahoma by treaty.
- (t) To delegate to subordinate bodies, committees, or officers, or to any cooperative association which is open to all members of the Tribe, any of the foregoing powers, reserving the right to review any actions taken by virtue of such delegated powers.
- (u) To exercise such further powers as may in the future be delegated to the Tribe by the Secretary of the Interior or by any duly authorized officer or agency of government.

*Limitations
of Corpo-
rate Powers.*

4. The foregoing corporate powers shall be subject to the following limitations:

- (a) No tribal land or interest in land shall ever be mortgaged; no tribal land or interest in land shall ever be sold except in the exercise of the law of eminent domain.

- (b) No tribal land or interest in land shall be leased for a longer period than ten years, except that oil, gas or mineral leases may be made for longer periods when authorized by law.
- (c) Any lease, grazing permit, or timber sale contract covering tribal land shall provide that the person to whom such lease, permit, or contract is awarded must conform with regulations issued by the Secretary of the Interior under section 6 of the Act of June 18, 1934 (48 Stat. 984).
- (d) No assignment of future corporate income shall be made for more than five years in advance, except as security for a loan from the United States.
- (e) In any attorney's contract hereafter executed by the Tribe, the choice of attorneys and the fixing of fees shall be subject to the approval of the Secretary of the Interior.
- (f) No distribution of corporate property among the members of the Tribe shall be made, except out of the net profit of corporate enterprises after all corporate debts then due have been paid.

*Departmental
Review of
Corporate
Acts.*

5. Until ten years from the date of ratification of this Charter, or such other date as may be fixed pursuant to section 6, the following corporate acts or transactions shall be valid only after approval by the Secretary of the Interior or his duly authorized representative:
- (a) Any contract involving a payment by the Tribe of more than \$300, or of more than \$100 in any one year.
 - (b) Any transaction by which the Tribe borrows money where such borrowing brings the total indebtedness of the Tribe, aside from loans from the Indian Credit Fund, to an amount in excess of \$150.
 - (c) Any resolution or ordinance governing the making of land assignments to members of the Tribe, the acquisition of land from members of the Tribe, or the use of tribal land by individuals.
 - (d) Any lease, grazing permit, or other contract affecting tribal land, tribal minerals, or other tribal interest in land.
 - (e) Any per capita distribution of corporate income to members of the Tribe in excess of \$200 in any one year.

*Extension
and Termination of
Supervisory
Powers.*

6. At any time within ten years after the ratification of this Charter, any power of review established by section 5 may be terminated by the Secretary of the Interior with the consent of the Eastern Shawnee Council. At or before the expiration of this ten-year period, the Secretary may propose a further extension of this period. Such proposed extension shall be effective unless disapproved by a three-fourths vote of the Eastern Shawnee Council.

*Corporate
Rights and
Property.*

7. Any rights and powers heretofore vested in the Eastern Shawnee Tribe of Oklahoma, not expressly referred to in the Constitution, By-laws or Charter of the said Tribe, shall not be abridged, but may be exercised by the people of the Eastern Shawnee Tribe of Oklahoma, through the adoption of appropriate additions and amendments to the Constitution, By-laws or Charter of the said Tribe. No property rights or claims of the Eastern Shawnee Tribe existing prior to the ratification of this Charter shall be in any way impaired by anything contained in this Charter. The tribal ownership of unallotted lands, whether or not occupied by any particular individual, 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.

*Amend-
ments.*

8. This Charter shall not be revoked or surrendered except by an act of Congress, but amendments may be proposed by a majority vote of the Business Committee or by petition signed by 30 percent of the adult members of the Tribe. Such amendments, if approved by the Secretary of the Interior, shall be submitted to a referendum vote of all the adult members of the Tribe, and shall be effective if approved by a majority vote.

*Ratifi-
cation.*

9. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Eastern Shawnee Tribe of Oklahoma, provided that at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Quapaw Agency and by the Chief and Secretary-Treasurer of the Tribe.

Submitted by the Acting Assistant Secretary of the Interior for ratification by the Eastern Shawnee Tribe.

W. C. MENDENHALL,
Acting Assistant Secretary.

[SEAL]

WASHINGTON, D. C., *October 17, 1940.*

I, W. C. Mendenhall, the Acting Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 26, 1936 (49 Stat. 1967), do hereby approve the

attached Charter of the Eastern Shawnee Tribe of Indians of Oklahoma, subject to ratification by the Tribe in the manner therein provided.

Upon ratification of this Charter 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 Charter and the Constitution and By-laws, approved by me November 7, 1939, and duly ratified by the Tribe on December 22, 1939, are declared inapplicable to the Eastern Shawnee Tribe of Indians of Oklahoma.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws, and the Charter if, and when, ratified by the Tribe.

Approval recommended: October 7, 1940.

WALTER V. WOEHLEKE,

Assistant to the Commissioner of Indian Affairs.

W. C. MENDENHALL,

Acting Assistant Secretary.

[SEAL]

WASHINGTON, D. C., October 17, 1940.

CERTIFICATION

Pursuant to section 3 of the Act of June 26, 1936 (49 Stat. 1967), this Charter, issued on October 17, 1940, by the Acting Assistant Secretary of the Interior to the Eastern Shawnee Tribe of Oklahoma, was duly submitted for ratification to the adult members of the Tribe, and was on December 12, 1940, duly ratified by a vote of 60 for and 1 against, in an election in which over 30 percent of those entitled to vote cast their ballots.

WALTER L. BLUE JACKET,

Chief, Eastern Shawnee Tribe.

T. A. CAPTAIN,

Secretary-Treasurer, Eastern Shawnee Tribe.

H. A. ANDREWS,

Superintendent, Quapaw Indian Agency.

