

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CORPORATE CHARTER
OF THE
DUCKWATER SHOSHONE TRIBE
OF THE
DUCKWATER RESERVATION, NEVADA



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CORPORATE CHARTER OF THE DUCKWATER SHOSHONE TRIBE OF THE DUCKWATER RESERVATION, NEVADA

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

Whereas, the Duckwater Shoshone Indians residing on the Duckwater Reservation in the State of Nevada constitute a recognized Indian tribe eligible to organize under sections 16 and 17 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378), by adopting a constitution and by-laws and a charter of incorporation approved by the Secretary of the Interior; 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, Oscar L. Chapman, the 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 Duckwater Shoshone Tribe of the Duckwater 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 percent of the eligible voters vote; *Provided*, That the Constitution and By-laws has been duly ratified.

*Corporate
Existence.*

1. In order to further the economic development of the Duckwater Shoshone Tribe of the Duckwater Reservation in the State of Nevada by conferring upon the 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 Duckwater Shoshone Tribe."

*Perpetual
Succession.
Membership.*

2. The Duckwater Shoshone Tribe shall, as a federal corporation, have perpetual succession.

3. The Duckwater Shoshone Tribe 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.

Management.

4. The Duckwater Tribal Council established in accordance with the said Constitution and By-laws of the tribe shall exercise all the corporate powers herein-after 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 may be made by the Tribe of any land or interests in land, including mineral rights, now or hereafter held by the Tribe within the boundaries of the Duckwater Shoshone Reservation.
 - (2) 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 or other natural resources of the Duckwater Shoshone Reservation. The use of tribal grazing 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 and other matters therein specified.
 - (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, 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 \$500, 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 State of Nevada, including agreements with the State of Nevada, for the rendition of public services; *Provided*, That all contracts involving payment of money by the corporation in excess of \$300 in any one 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 tribal income due or to become due to the Tribe; *Provided*, That no such assignment of tribal income, other than an assignment to the United States, shall extend more than ten years from the date of execution and shall not 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 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 Tribe.
- (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 be sued 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.
- (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 of the Duckwater Shoshone Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under sections 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 Tribe. The termination shall be effective upon

ratification by a majority vote of the adult members of the Tribe residing on the Reservation, at an election in which at least 30 percent of the eligible voters vote. If at any time after ten years from the date of approval of this Charter the Secretary shall disapprove a request for the termination of any such power, or fail to approve or disapprove it within 90 days after its receipt, the question of its termination may then be submitted by the Secretary, or by the Tribal Council, to popular referendum of the adult members of the Tribe 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 Duckwater Shoshone Tribe 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.

Corporate Dividends.

8. The Tribe 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 Tribe and may distribute per capita, among the recognized members of the Tribe, all income of the Tribe over and above sums necessary to defray corporate obligations to members of the Tribe 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. No such distribution of profits in any one year 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 financial assets of the Tribe shall be distributed except as provided herein.

Corporate Accounts.

9. 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.

Amendments.

10. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Duckwater Tribal 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 percent 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 Duckwater Shoshone Reservation, provided at least 30 percent of the eligible voters shall vote, and provided further that the Constitution and By-laws has been duly ratified, the ratification of said Constitution and By-laws and of this Charter to be formally certified by the Superintendent of the Carson Agency and the Chairman and Secretary of the Duckwater Tribal Council.

Submitted by the Assistant Secretary of the Interior for ratification by the Duckwater Shoshone Tribe on the Duckwater Shoshone Reservation.

OSCAR L. CHAPMAN,
Assistant Secretary.
[SEAL]

WASHINGTON, D. C., *November 28, 1940.*

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on November 28, 1940, by the Assistant Secretary of the Interior to the Duckwater Shoshone Tribe in the State of Nevada, was duly submitted for ratification to the adult Indians residing on the reservation and was on November 30, 1940, duly ratified by a vote of 36 for, and none against, in an election in which over 30 percent of those entitled to vote cast their ballots.

OLIVER IKE,
Chairman, Election Board.

BROWNIE SAM,
Secretary, Election Board.

DON C. FOSTER,
Superintendent, Carson Agency.

