

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CORPORATE CHARTER
OF THE
CACHIL DEHE BAND OF WINTUN INDIANS
OF THE
COLUSA INDIAN COMMUNITY



RATIFIED NOVEMBER 23, 1941



UNITED STATES
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CORPORATE CHARTER OF THE CACHIL DEHE BAND OF WINTUN INDIANS OF THE COLUSA INDIAN COMMUNITY

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

Whereas, the Cachil Dehe Band of Wintun Indians of the Colusa Indian Community in the State of California constitutes a recognized Indian band organized under a Constitution and By-laws ratified by the members of the Cachil Dehe Band of Wintun Indians on November 23, 1941, and approved by the Secretary of the Interior on October 17, 1941, 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 in the Community;

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by Section 17 of the said Act of June 18, 1934, do hereby issue this Charter of Incorporation to be effective from and after such time as it may be ratified by the adult Indians of the Colusa Indian Community, provided, that a Constitution and By-laws has previously been adopted by a vote of the said Indian Community.

Corporate Existence. 1. In order to further the economic well-being and independence of the Cachil Dehe Band of Wintun Indians of the Colusa Indian Community, the Community is hereby chartered as a body politic and corporate of the United States of America, under the corporate name, Colusa Indian Community.

Duration. 2. The Colusa Indian Community shall, as a federal corporation, have perpetual succession.

Membership. 3. The members of the corporation shall be all persons now or hereafter members of the Community, as provided by its duly ratified and approved Constitution and By-laws.

Management. 4. The Colusa Indian Community Council established in accordance with the said Constitution and By-laws, 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 Community, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by its Constitution and By-laws:

(a) To adopt, use, and alter a corporate seal.

(1)



- (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 land or interests in land, including water, timber, mineral, gas or oil rights, now or hereafter held by the Community within the boundaries of the Colusa Indian Community.
 - (2) No leases or permits (which terms shall not include land assignments to members of the Community) covering any land or interests in land now or hereafter held by the Community within the boundaries of the Colusa Indian Community shall be made by the Community for a longer term than ten years, and all such leases or permits must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral, oil and gas 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 or other natural resources of the Cachil Dehe Band of Wintun Indians. All leases and permits relating to the use of Community 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. Conformity to such regulations shall be made a condition of any such lease or permit 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 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 productive Community enterprises, or to loan money thus borrowed to individual members or association 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 \$1,000, 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 any 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, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of California, including agreements with the State of California 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.
- (f) To pledge or assign chattels or future Community income due or to become due to the Community: *Provided*, That such agreements of pledge or assignment, other than agreements with the United States, shall not extend more than ten years from the date of execution and shall not amount in any one year to more than one-half the net Community income in the preceding year: *And provided further*, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.
- (g) To deposit corporate funds in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or with a bonded disbursing officer of the United States, to the credit of the corporation.
- (h) To sue or be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue or 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 Community other than income or chattels specially pledged or assigned.

(i) 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 Colusa Indian Community Council for 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 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 majority vote of the adult members of the Community residing in the Community, 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 of the Interior 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 Community Council to popular referendum of the adult members of the Community actually living within the Community, 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 Cachil Dehe Band of Wintun Indians 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 corporated debts or liabilities without such owners' consent.

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 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 cost of public enterprises, the expenses of Community government, the needs of charity, or other corporate purpose. Any such distribution of profits in any one year amounting to a distri-

bution 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 in the Community 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 Community living in the Colusa Indian Community, 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 Sacramento Agency and the chairman and secretary of the Election Board of the Colusa Indian Community.

Submitted by the Assistant Secretary of the Interior for ratification by the Cachil Dehe Band of Wintun Indians of the Colusa Indian Community.

OSCAR L. CHAPMAN,
Assistant Secretary.

[SEAL]

WASHINGTON, D. C., *October 17, 1941.*

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on October 17, 1941, by the Assistant Secretary of the Interior to the Cachil Dehe Band of Wintun Indians of the Colusa Indian Community in California, was duly submitted for ratification to the adult members of the Community residing in the Colusa Indian Community and was on November 23, 1941, duly ratified by a vote of 24 for, and 1 against, in an election in which over 30 percent of those entitled to vote cast their ballots.

ANDREW MITCHELL,
Chairman, Election Board.

F. R. GONZALES,
Secretary, Election Board.

JOHN G. ROCKWELL
*Field Representative in Charge,
Sacramento Agency.*

