

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS



CORPORATE CHARTER  
OF THE  
MOAPA BAND OF PAIUTE INDIANS.  
OF THE  
MOAPA RIVER RESERVATION, NEVADA



RATIFIED MAY 3, 1942



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Office  
Law

**CORPORATE CHARTER OF THE MOAPA BAND OF PAIUTE  
INDIANS OF THE MOAPA RIVER  
RESERVATION, NEVADA**

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

Whereas, the Moapa Band of Paiute Indians residing on the Moapa River Reservation in the State of Nevada constitutes a recognized Indian tribe organized under a Constitution and By-laws ratified by the members of the Moapa Band of Paiute Indians on March 15, 1942, and approved by the Secretary of the Interior on April 17, 1942, 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 Moapa Band of Paiute Indians have petitioned that a charter of incorporation be granted to such Band, subject to ratification by a vote of the adult Indians living on the Moapa River 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 (49 Stat. 984), do hereby issue and submit this Charter of incorporation to the Moapa Band of Paiute Indians of the Moapa River 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.

*Corporate  
Existence.*

1. In order to further the economic development of the Moapa Band of Paiute Indians of the Moapa River Reservation in the State of Nevada by conferring upon the said Band certain corporate rights, powers, privileges, and immunities; to secure for the members of the Band an assured economic independence; and to provide for the proper exercise by the Band of various functions heretofore performed by the Department of the Interior, the aforesaid Band is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Moapa Band of Paiute Indians".

*Perpetual  
Succession.  
Membership.*

2. The Moapa Band of Paiute Indians shall, as a federal corporation, have perpetual succession.  
3. The Moapa Band of Paiute Indians shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Moapa Band of Paiute Indians, as provided by its duly ratified and approved Constitution and By-laws.



*Management.*

4. The Moapa Business Council established in accordance with the said Constitution and By-laws of the Moapa Band of Paiute Indians shall exercise all the corporate powers hereinafter enumerated.

*Corporate Powers.*

5. The Moapa Band of Paiute Indians, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the Band, 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 Band of any land or interests in land, including mineral rights, now or hereafter held by the Band within the boundaries of the Moapa River Reservation.

(2) No action shall be taken by or in behalf of the Band which in any way operates to destroy or injure the tribal grazing lands or other natural resources of the Moapa River 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 Band, 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 Band 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 Band 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 Band: *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 Band.
- (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 Band or by the United States to the levy of any judgment, lien or attachment upon the property of the Band 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 Moapa Business 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 Band. The termination shall be effective upon ratification by a majority vote of the adult members of the Band 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 Business Council, to popular referendum of the adult members of the Band 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 Moapa Band of Paiute Indians 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 Band shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Band shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

*Corporate Dividends.*

8. The Moapa Band of Paiute Indians 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 Moapa Band of Paiute Indians and may distribute per capita, among the recognized members of the Band, all income of the Band over and above sums necessary to defray corporate obligations to members of the Band 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 purposes. 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 Secre-



tary of the Interior. No financial assets of the Band shall be distributed except as provided herein.

- Corporate Accounts.* 9. The officers of the Band shall maintain accurate and complete public accounts of the financial affairs of the Band 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 Band 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 Moapa Business 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 Moapa River Reservation, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Carson Indian Agency and the Chairman and Secretary of the Moapa Business Council.

Submitted by the Assistant Secretary of the Interior for ratification by the Moapa Band of Paiute Indians of the Moapa River Reservation in a popular referendum.

OSCAR L. CHAPMAN,  
*Assistant Secretary.*  
[SEAL]

WASHINGTON, D. C., *April 17, 1942.*

#### CERTIFICATION

Pursuant to an order approved April 17, 1942, by the Assistant Secretary of the Interior, the attached Charter for the Moapa Band of Paiute Indians of the Moapa River Reservation was submitted for ratification to the qualified members of the Moapa River Reservation and on May 3, 1942, was duly ratified by a vote of 43 for, and 1 against, in an election in which over thirty percent of those entitled to vote cast their ballots, in accordance with Section 17 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

FRANCIS SWAIN,  
*Chairman, Moapa Business Council.*  
BASIL BOW,  
*Secretary, Moapa Business Council.*

DON C. FOSTER,  
*Superintendent, Carson Agency.*

