

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CORPORATE CHARTER
OF THE
JICARILLA APACHE TRIBE OF THE
JICARILLA RESERVATION



RATIFIED SEPTEMBER 4, 1937



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CORPORATE CHARTER OF THE JICARILLA APACHE TRIBE OF THE JICARILLA RESERVATION

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

Whereas, the Jicarilla Apache Tribe of the Jicarilla Reservation in New Mexico is a recognized Indian tribe organized under a Constitution and By-laws ratified by the Tribe on July 3, 1937, and approved by the Secretary of the Interior on August 4, 1937, 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 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, 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 the Jicarilla Apache Tribe to be effective from and after such time as it may be ratified by the Tribe as hereinafter provided.

Purpose and Fact of Incorporation.

1. In order to further the economic well-being and independence of the Jicarilla Apache Tribe and of its members, the Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Jicarilla Apache Tribe."

Duration.

2. The Jicarilla Apache Tribe 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 Tribe, as provided by its duly ratified and approved constitution and by-laws.

Management.

4. The Representative Tribal Council of the Jicarilla Apache Tribe established in accordance with the said Constitution and By-laws, shall exercise all the corporate powers hereinafter 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 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 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, within the Jicarilla Reservation.
 - (2) No leases, permits (which terms shall not include land assignments to members of the Tribe) nor timber sale contracts covering any land or interests in land of the Tribe within the Jicarilla Reservation shall be made by the Tribe for a longer term than ten 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 Tribe which in any way operates to destroy or injure the Tribal grazing lands, timber, or other natural resources of the Jicarilla Reservation. All leases, permits, and timber sale contracts relating to tribal 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. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale 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.
- (d) To borrow money from the Indian Credit Fund in accordance with Section 10 of the Act of June 18, 1934, 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 for loans to individual members or associations of members of the Tribe; *Provided*, That the amount of indebtedness to which the Tribe can subject itself, other than indebtedness to the Indian Credit

Fund, shall not exceed two thousand dollars, 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 with any person, association, or corporation, with any municipality or any county, or with the United States or the State of New Mexico; *Provided*, That any contract involving payment of money by the corporation in excess of five thousand dollars 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, subject to the approval of the Secretary of the Interior or his duly authorized representative.
- (h) 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 covered by 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 corporation.
- (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 said 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 the request of the Representative Tribal 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 to the Tribe for referendum. The termination shall be effective upon ratification by a majority vote at an election in which at least thirty per cent of the adult members

of the Tribe residing on the reservation shall vote. If at any time after ten years from the effective date of this Charter, such request shall be made and the Secretary shall disapprove it or fail to approve or disapprove it within ninety days after its receipt, the question of the termination of any such power may then be submitted by the Secretary of the Interior or by the Representative 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 Jicarilla Apache Tribe shall be in any way impaired by anything contained in this Charter. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners' consent.

*Corporate
Dividends.*

8. The Tribe may distribute per capita, among the recognized members of the Tribe, all profits of corporate enterprises or all income over and above sums necessary to meet corporate obligations and over and above all sums which may be devoted to the establishment of a reserve fund, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. No such distribution of profits or income in any one year amounting to more than ten thousand dollars shall be made without the approval of 75 per cent of the qualified voters and of the Secretary of the Interior.

*Corporate
Accounts.*

9. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

*Amend-
ments.*

10. This charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Representative 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 per cent of the eligible voters vote.

*Ratifica-
tion.*

11. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Jicarilla Apache Tribe living on the Jicarilla Reservation, provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Jicarilla Indian Agency and the Chairman of the Representative Tribal Council.

Submitted by the Assistant Secretary of the Interior for ratification by the Jicarilla Apache Tribe of the Jicarilla Reservation in a popular referendum to be held on September 4, 1937.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *August 14, 1937.*

CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on August 14, 1937, by the Assistant Secretary of the Interior to the Jicarilla Apache Tribe of the Jicarilla Reservation in New Mexico, was duly submitted for ratification to the adult members of the Reservation and was on September 4, 1937, duly adopted by a vote of 200 for, and none against, in an election in which over 30 per cent of those entitled to vote cast their ballots.

AGAPITO BALTAZAR,
Chairman, Representative Tribal Council.

A. E. STOVER,
Superintendent, Jicarilla Agency.

