

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

+

CORPORATE CHARTER  
OF THE  
SAN CARLOS APACHE TRIBE  
ARIZONA

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RATIFIED OCTOBER 16, 1940



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REV. 18841.

# CORPORATE CHARTER OF THE SAN CARLOS APACHE TRIBE, ARIZONA

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

Whereas, the San Carlos Apache Indians of Arizona constitute a recognized Indian Tribe, organized under a constitution and by-laws, ratified by the tribe on October 19, 1935, and approved by the Acting Secretary of the Interior on January 17, 1936, 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 vote of the adult Indians living on the reservation;

Now, therefore, I, Dr. W. C. Mendenhall, the Acting 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 San Carlos Apache Tribe, to be effective from and after such time as it may be ratified by the tribe as herein provided.

- Corporate Existence and Purpose*      1. In order to further the economic well-being and independence of the San Carlos Apache Tribe and its members by giving to the tribe certain corporate rights, powers, privileges and exemptions the aforesaid tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name, "San Carlos Apache Tribe."
- Duration.*                      2. The San Carlos Apache Tribe shall as a Federal corporation have indefinite duration.
- Membership.*                    3. The San Carlos Apache Tribe shall be a membership corporation consisting of all members now or hereafter recognized as members of the tribe, as provided for in Article III of the Constitution. No person, except as provided in Article III of the Constitution, shall become a member of the Corporation.
- Management.*                    4. The Tribal Council of the San Carlos Apache Tribe, established in accordance with the said constitution and by-laws of the tribe, shall exercise all the corporate powers hereinafter enumerated.
- Corporate Powers.*              5. The tribe, subject to any restrictions contained in the Constitution and the 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 the 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, interest in land, including water power sites, water rights, oil, gas and other mineral rights now or hereafter held by the Tribe.
  - 2. No leases, permits (which terms shall not include land assignments to members of the tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the tribe, within the boundaries of the San Carlos Apache Reservation, shall be made by the tribe for a longer term than five years and all such leases or permits must be approved by the Secretary of the Interior or his duly authorized representative, but oil and gas 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 natural resources of the San Carlos Apache Reservation. All leases, permits and timber sale contracts relating to the use of tribal grazing and timber 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, sustained yield forestry management and other matters therein specified. Violation of any provision of a contract or permit will be cause for revocation of such instrument.
- 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 government 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, other than indebtedness to the Indian Credit Fund, shall not exceed \$5,000, 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 tribe 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 the 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 Arizona, including agreements with the State of Arizona for rendition of public services, provided that any contract involving payment of money or delivery of property by the corporation of a value in excess of \$5,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his authorized representative.
- F. To pledge or assign chattels or future tribal income due or to become due to the tribe, provided that such agreements of pledge or assignment or extensions thereof other than an agreement with the United States, shall not extend more than five years from the date of execution and shall not cover more than one-half the net tribal income from any one source in any one 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 from whatever source derived with a bonded disbursing officer of the United States to the credit of the corporation.
- H. To sue and be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to 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 especially 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 Supervi-  
sory Powers.*

- 6. At any time after ten years from the effective date of this charter, the Tribal Council may request termination of supervisory powers reserved to the Secretary of the Interior under sections 5 (B-2), 5 (C), 5 (E), and 5 (F).

The Secretary of the Interior, if he shall approve the request, shall submit the question of termination

to the tribe for referendum. Such termination shall become effective upon ratification by a majority vote of the adult members of the tribe in an election in which at least 30 percent of the eligible voters vote. If the Secretary of the Interior shall disapprove the request for termination or shall fail to approve or disapprove it within 90 days after its receipt, the question may be submitted by the Secretary, or by the Tribal Council, to the tribe for referendum, and if the termination is approved by two-thirds of the eligible voters living within the reservation, it shall be effective.

*Corporate  
Property.*

7. No property rights of the San Carlos Apache Tribe, as heretofore constituted, shall be in any way impaired by anything contained in this chapter, 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 the owner's consent.

*Corporate  
Income.*

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 use all profits of corporate enterprises or income, over and above sums necessary to defray corporate operations and over and above all sums which may be devoted to the establishment of a reserve fund, for public purposes of the tribe, including the construction of public works, the cost of public enterprises, the expense of tribal government, the needs of charity and the making of loans to members of the tribe, but no general distribution per capita of such profits or income shall be made.

*Corporate  
Accounts.*

- 8a. The tribe shall maintain accurate and complete 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.*

9. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolution of the Tribal Council, which, if approved by the Secretary of the Interior, to be effective, shall be ratified by a majority vote of the adult members living on the reservation at an election in which at least thirty percent of the eligible voters vote.

*Ratification*

10. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the San Carlos Apache Tribe, provided at least thirty percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the San Carlos Apache Agency and the Chairman of the San Carlos Apache Tribe.

Submitted by the Acting Assistant Secretary of the Interior for ratification by the San Carlos Apache Tribe in a popular referendum to be held October 16, 1940.

W. C. MENDENHALL,  
*Acting Assistant Secretary.*

[SEAL]

WASHINGTON, D. C., *September 27, 1940.*

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984) this Charter, issued on September 27, 1940, by the Acting Assistant Secretary of the Interior to the San Carlos Apache Tribe of the State of Arizona, was duly submitted for ratification to the adult members of the tribe and was on October 16, 1940, duly ratified by a vote of 588 for, and 339 against, in an election in which over 30 percent of those entitled to vote cast their ballots.

ERNEST VICTOR,  
*Chairman, San Carlos Business Council.*

CLARENCE WESLEY,  
*Secretary, San Carlos Business Council.*

ERNEST R. McCRAY,  
*Superintendent, San Carlos Agency.*

