

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CORPORATE CHARTER
OF THE
APACHE TRIBE OF THE MESCALERO
RESERVATION
NEW MEXICO



RATIFIED AUGUST 1, 1936



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CORPORATE CHARTER OF THE APACHE TRIBE OF THE MESCALERO RESERVATION

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

Whereas, the Apache Tribe of the Mescalero Reservation is a recognized Indian tribe organized under a Constitution and By-laws ratified by the Tribe on February 29, 1936 and approved by the Secretary of the Interior on March 25, 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 a vote of the adult Indians living on the reservation;

Now, therefore, I, Harold L. Ickes, 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 Apache Tribe of the Mescalero Reservation to be effective from and after such time as it may be ratified by a majority vote in an election at which at least thirty per cent of the adult Indians living on the reservation shall vote.

*Corporate
Existence
and
Purpose.*

1. In order to further the economic development of the Apache Tribe of the Mescalero Reservation in New Mexico 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 Apache Tribe of the Mescalero Reservation."

*Perpetual
Succession.*

2. The Apache Tribe of the Mescalero Reservation shall, as a Federal Corporation, have perpetual succession.

*Member-
ship.*

3. The Apache Tribe of the Mescalero Reservation 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.

*Manage-
ment.*

4. The Business Committee of the Apache Tribe of the Mescalero Reservation, 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 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 water power sites, water rights, oil, gas, and other mineral rights, now or hereafter held by the Tribe within the boundaries of the Mescalero Reservation.
 - (2) No mortgage may be made by the Tribe of any standing timber on any land now or hereafter held by the Tribe within the boundaries of the Mescalero Reservation.
 - (3) 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 Mescalero 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 oil and gas leases, water power leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.
 - (4) 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 Mescalero Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to the 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. Conformity to such regulations shall be made a condition of any lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violations 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 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 \$2,000, 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 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 New Mexico, including agreements with the State of New Mexico, for the 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 duly 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 ten 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, 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 corporation.
- (h) 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 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.

6. No property rights of the Apache Tribe of the Mes-calero Reservation, as heretofore constituted, 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.

7. 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 expenses 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
Property.*

*Corporate
Income.*

*Amend-
ments.*

8. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Tribal Business Committee 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 a popular referendum in which at least thirty per cent of the eligible voters vote.

*Ratifica-
tion.*

9. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Apache Tribe of the Mescalero Reservation, living on the Mescalero Reservation, provided at least thirty per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Mescalero Indian Agency and the President of the Business Committee of the Apache Tribe of the Mescalero Reservation.

Submitted by the Secretary of the Interior for ratification by the Apache Tribe of the Mescalero Reservation in a popular referendum to be held on August 1, 1936.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *July 18, 1936.*

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this charter, issued on July 18, 1936, by the Secretary of the Interior to the Apache Tribe of the Mescalero Reservation was duly submitted for ratification to the adult Indians living on the reservation and was on August 1, 1936, duly ratified by a vote of 189 for and 2 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

VICTOR DOLAN,
President of the Business Committee.

E. R. McCRAY,
Superintendent, Mescalero Indian Agency.

