

Hydaburg (Alaska) cooperative association

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

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CORPORATE CHARTER
OF THE
HYDABURG COOPERATIVE ASSOCIATION,
ALASKA

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RATIFIED APRIL 14, 1938



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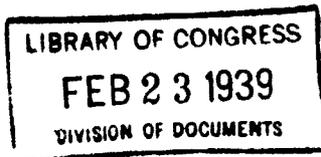
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Industrial Timber

Hydroxylog Co. from
Alaska

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CORPORATE CHARTER OF THE HYDABURG COOPERATIVE ASSOCIATION

A FEDERAL CORPORATION CHARTERED UNDER THE ACT OF JUNE 18, 1934, AS AMENDED BY THE ACT OF MAY 1, 1936

Whereas, a group of Indians having a common bond of occupation in the fish industry in Hydaburg, Territory of Alaska, seek to organize under sections 16 and 17 of the act of June 18, 1934 (48 Stat. 984), and section 1 of the act of May 1, 1936 (49 Stat. 1250), by ratification of a constitution and by-laws and a charter approved by the Secretary of the Interior, and

Whereas, more than one third of the adult Indians have petitioned that a charter of incorporation be granted to this group of Indians,

Now, therefore, I, Oscar L. Chapman, Acting Secretary of the Interior, by virtue of the authority conferred upon me by the above cited acts, do hereby issue and submit this charter of incorporation to the group of Indians organizing as aforesaid, to be effective when duly ratified, provided that the said constitution and by-laws have been duly ratified.

- Purpose and Existence.* 1. In order to further the economic development of the Indians engaged in the fish industry in Hydaburg, Alaska, by conferring upon the Hydaburg Cooperative Association certain corporate rights and powers; and to enable this Association and its members to undertake enterprises designed to secure for the members of the corporation an assured economic independence, the aforesaid Association is hereby chartered as a body corporate of the United States of America, under the corporate name of Hydaburg Cooperative Association, hereinafter called the Association.
- Perpetual Succession.* 2. The Association shall, as a Federal Corporation, have perpetual succession.
- Membership.* 3. The Association shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Association as provided by its duly ratified and approved Constitution and By-laws.
- Management.* 4. The Council of the Association established in accordance with the said Constitution and By-laws of the Association, shall exercise all the corporate powers hereinafter enumerated.

Corporate Powers.

5. The Association, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Association 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.
 - (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 nor mortgage may be made by the Association of any land, including water, fishing or mineral rights, held by the Association within any area which may be set aside by the Federal Government as a reserve for the use of the Association.
 2. No leases, permits (which terms shall not include land assignments or fishing privileges granted to members of the Association) nor timber sale contracts covering any land or interests in land held by the Association within any reserve set aside for the Association shall be made by the Association for a longer term than ten years, and all such leases and permits, except to members of the Association, and all such contracts must be approved by the Secretary of the Interior or by his duly authorized representative: *Provided*, That leases requiring substantial improvements may be made for longer periods when authorized by law.
 - (c) To issue interests in corporate property in exchange for transfers of property by individual members of the Association.
 - (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 source, and to use such funds directly for productive enterprises, or to advance money thus borrowed to individual members or groups of members of the Association for enterprises related to those of the Association.
 - (e) To engage in any business that will further the economic well-being of the members of the Association or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

Corporate Powers.

- (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 with the United States or the Territory of Alaska including agreements with the said Territory for the rendition of public services.
- (g) To pledge or assign chattels or future corporate income due, or to become due to the Association: *Provided*, That such assignments of corporate income, other than assignments to the United States, shall not extend more than ten years from the date of execution.
- (h) To deposit corporate funds, from whatever source derived, in any national or territorial bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, 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 be sued in courts of competent jurisdiction within the Territory of Alaska or the United States.
- (j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

Corporate Property.

- 6. The individually owned property of members of the corporation shall not be subject to any corporate debts or liabilities, without such owners' consent.

Corporate Income.

- 7. The Association shall, at the end of its fiscal year, apply its income in excess of operating expenses during such fiscal year, in the following order:

First: to payment of any due indebtedness.

Second: to creation of a fund for operation and for liquidation of indebtedness becoming due in the next operating period.

Third: to creation of a reserve for depreciation of the physical property of the association, and for the undertaking, construction, operation and improvement of corporate enterprises.

Fourth: to utilization for such social, educational and relief purposes as the association may determine.

Fifth: to distribution as dividends to members of the Association.

Corporate Dividends.

8. Dividends shall be distributed to members of the Association on the basis of their patronage of the Association according to an equitable system set forth in the regulations of the Association. Patronage shall include the sale of goods to, and the purchase of goods from, the Association and work done for the Association, but shall not include the salary paid to the manager nor business done with nonmembers of the Association. No dividends may be declared or paid while this corporation is indebted to the Indian Credit Fund unless the operation and reserve funds provided for in section 8 are in an amount satisfactory to the Secretary of the Interior or his authorized representative.

Regulation of Payments.

9. The Association may regulate the payment of dividends or other corporate property in order to safeguard the interests of any minor, incompetent or disabled members, and of the dependents of members which might become a public charge, and of the heirs or devisees of deceased members.

Corporate Accounts.

10. The officers of the Association shall maintain accurate and complete public accounts of the financial affairs of the corporation, 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 corporation to the Government Teacher in Hydaburg for inspection and forwarding to the Juneau Office of the Office of Indian Affairs.

Amendments.

11. This Charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Council or of the Association which amendments, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members of the Association voting in a popular referendum called for the purpose by the Secretary of the Interior, provided that at least 30 per cent of the eligible voters vote in such election.

Ratification.

12. This Charter shall be effective from and after the date of its ratification by a majority vote of those entitled to vote who vote in an election called for the purpose by the Secretary of the Interior; provided that at least 30 per cent of the eligible voters shall vote, and provided that the Association has ratified a Constitution and By-laws approved by the Secretary of the Interior. The ratification of the charter shall be formally certified by the Election Board. The persons entitled to vote are those Indians entitled to vote on the Constitution and By-laws for this Association.

This Charter is herewith approved and issued by the Acting Secretary of the Interior and submitted for ratification by the group of Indians having a common bond of occupation in the fish industry in Hydaburg, Territory of Alaska, in a popular referendum called and held under the Instructions of the Secretary of the Interior.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *April 7, 1938.*

CERTIFICATION

Pursuant to an order, approved April 7, 1938 by the Acting Secretary of the Interior, the attached Charter was submitted for ratification to the qualified voters of the Hydaburg Cooperative Association, Hydaburg, Alaska, and was on April 14, 1938 duly ratified by a vote of 121 for, and none against in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with the Alaska Act of May 1, 1936 (49 Stat. 1250), and section 17 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

FRED GRANT,
Chairman, Haida Tribe.

VINCENT W. BARANOVICH,
Secretary, Haida Tribe.

PHILLIP W. LLOYD,
U. S. Government Teacher.

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