

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS



CORPORATE CHARTER
OF THE
PONCA INDIAN TRIBE
OKLAHOMA.



RATIFIED SEPTEMBER 20, 1950



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Law
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Indian Tribes
Ponca Tribe of
Indians of Oklahoma
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CORPORATE CHARTER OF THE PONCA INDIAN TRIBE OF OKLAHOMA

A FEDERAL CORPORATION CHARTERED UNDER THE ACT OF JUNE 26, 1936

Whereas, the Ponca Indian Tribe of Oklahoma constitutes a recognized tribe of Indians residing in Oklahoma, organized under a Constitution and Bylaws approved by William E. Warne, Assistant Secretary of the Interior, and ratified by the Indians of the said tribe on September 20, 1950, pursuant to section 3 of the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967); and

Whereas, the said tribe, by resolution of the Ponca Business Committee duly authorized, has requested that a charter of incorporation be issued to the said tribe, subject to ratification by vote of the members of the tribe;

Now, therefore, I, William E. Warne, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 26, 1936, do hereby issue this Charter of Incorporation to the Ponca Indian Tribe of Oklahoma, to be effective from and after such time as it may be ratified by a majority vote of the adult members of the Ponca Indian Tribe voting: *Provided, however,* That such election shall be void unless the total vote cast be at least 30 percent of those entitled to vote.

Corporate Purposes

1. The corporate purposes of the Ponca Indian Tribe of Oklahoma shall be:
 - (a) To define and safeguard the rights and powers of the Ponca Tribe of Oklahoma and its members.
 - (b) To advance the standard of living of the tribe through the development of tribal resources, the acquisition of land or interests in land, the preservation of existing land holdings, the better utilization of land and the development of a credit program for the tribe and the individual members thereof.
 - (c) To promote in any other way the general welfare of the Indians of the Ponca Tribe of Oklahoma.

Name, Membership, and Organization

2. The name of this corporation shall be the Ponca Indian Tribe of Oklahoma, as provided in the Constitution and Bylaws of the said tribe. The membership, the officers, and the organization of the incorporated tribe shall be as provided in the said Constitution and Bylaws.

Corporate Powers

3. The Ponca Indian Tribe of Oklahoma, subject to any restrictions contained in the Constitution

and Laws of the United States or in the Constitution and Bylaws of the tribe, and to the limitations of sections 4 and 5 of this Charter, shall have the following corporate powers as provided by section 3 of the Oklahoma Indian Welfare Act of June 26, 1936.

- (a) To have succession by its corporate name perpetually.
- (b) To sue and to be sued; to complain and defend in any court: *Provided, however,* That the grant or exercise of such power shall not be deemed a consent by the 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.
- (c) To make and use a common seal and alter the same at pleasure.
- (d) To appoint such subordinate officers, agents, and other members as the business of the tribe may require, and to allow them suitable compensation.
- (e) To negotiate and to enter into any obligations or contracts essential to the transaction of its ordinary affairs or for the corporate purposes above set forth.
- (f) 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), and section 6 of the act of June 26, 1936 (49 Stat. 1967), or other applicable legislation, or from any other governmental agency, or from any member or association of members of the tribe and to use such funds directly for tribal enterprises or to loan such funds to individual members or association of members of the tribe.
- (g) To deposit corporate funds in a national bank within the State of Oklahoma or in the Postal Savings Bank or with a bonded disbursing officer of the United States.
- (h) To negotiate with the Federal, State, or local governments and to advise or consult with the representatives of the Interior Department on all activities of the Department that may affect the Ponca Indian Tribe.
- (i) To employ counsel for the protection and advancement of the rights of the tribe and its members.

- (j) To prevent any disposition, lease, or encumbrance of tribal lands, interests in land, or other tribal assets.
- (k) To advise the Secretary of the Interior with regard to appropriation estimates or federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.
- (l) To make assignments of tribal land to members of the tribe, and to regulate the use and disposition of such assignments.
- (m) To appropriate available funds for public purposes of the Ponca Indian Tribe.
- (n) To regulate the manner of holding tribal elections.
- (o) To regulate the procedure of tribal meetings and the Ponca Business Committee and all other tribal committees and officers.
- (p) To protect and preserve the property, natural resources, crafts and traditions of the Ponca Indian Tribe.
- (q) To purchase, take by gift, bequest or otherwise, own, hold, manage, operate, and dispose of property of every description, real or personal.
- (r) To issue bonds or other interests in corporate property in exchange for restricted Indian lands.
- (s) To protect all rights guaranteed to the Ponca Indian Tribe of Oklahoma by treaty.
- (t) To delegate to subordinate bodies, committees, or officers, or to any cooperative association which is open to all members of the tribe, any of the foregoing powers, reserving the right to review any actions taken by virtue of such delegated powers.
- (u) To exercise such further powers as may in the future be delegated to the tribe by the Secretary of the Interior or by any duly authorized officer or agency of the Government.
- (v) To exercise such further powers not inconsistent with law as may be necessary to the conduct of corporate business.

*Limitations of
Corporate
Powers*

- 4. The foregoing corporate powers shall be subject to the following limitations:
 - (a) No tribal land or interest in land shall ever be sold or mortgaged.
 - (b) No tribal land or interest in land shall be leased for a longer period than 10 years, except that oil, gas, or mineral leases may

be made for longer periods when authorized by law.

- (c) Any lease, grazing permit, or timber sale contract covering tribal land shall provide that the person to whom such lease, permit, or contract is awarded, must conform with regulations issued by the Secretary of the Interior under section 6 of the act of June 18, 1934 (48 Stat. 984).
- (d) No assignment of future corporate income, other than assignments to the United States, shall be made for more than 5 years in advance.
- (e) In any attorney's contract hereafter executed by the tribe, the choice of attorneys and the fixing of fees shall be subject to the approval of the Secretary of the Interior.
- (f) No distribution of corporate property among the members of the tribe shall be made, except out of the net profit of corporate enterprises after all corporate debts then due have been paid.

*Departmental
Review of
Corporate Acts*

- 5. Until 10 years from the date of ratification of this Charter or such other date as may be fixed pursuant to section 6, the following corporate acts or transactions shall be valid only after approval by the Secretary of the Interior or his duly authorized representatives:
 - (a) Any contract involving a payment by the tribe of more than a total sum of \$3,000 or of more than \$1,200 in any one year.
 - (b) Any transaction by which the tribe borrows money where such borrowing brings the total indebtedness of the tribe, aside from loans from the Indian Credit Fund, to a figure in excess of \$1,000.
 - (c) Any resolution or ordinance governing the making of land assignments to members of the tribe, the acquisition of land from members of the tribe, or the use of tribal land by individuals.
 - (d) Any lease, grazing permit, or other contract affecting tribal land, tribal minerals, or other tribal interest in land.
 - (e) Any per capita distribution of corporate income to members of the tribe in excess of \$200 in any one year.

*Extension and
Termination of
Supervisory
Powers*

- 6. At any time within 10 years after the ratification of this Charter, any power of approval established by section 5 may be terminated by the Secretary of the Interior with the consent of the

Ponca Business Committee. At or before the expiration of this 10-year period, the Secretary may propose a further extension of this period. Such proposed extension shall be effective unless disapproved by a three-fourths vote of the Ponca Business Committee.

*Corporate
Rights and
Property*

7. Any rights and powers heretofore vested in the Ponca Indian Tribe of Oklahoma, not expressly referred to in the Constitution, Bylaws or Charter of the said tribe, shall not be abridged, but may be exercised by the people of the Ponca Indian Tribe of Oklahoma, through the adoption of appropriate additions and amendments to the Constitution and Bylaws or Charter of the said tribe. No property rights or claims of the Ponca Indian Tribe existing prior to the ratification of this Charter shall be in any way impaired by anything contained in this Charter. The tribal ownership of unallotted lands, whether or not occupied by any particular individual, 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.

Amendments

8. This Charter shall not be revoked or surrendered except by an act of Congress, but amendments may be proposed by four affirmative votes of the Ponca Business Committee or by a petition signed by at least 25 percent of the adult members of the tribe. Such amendments, if approved by the Secretary of the Interior, shall be submitted to referendum vote of all adult members of the tribe, and shall be effective if approved by a majority of those voting: *Provided*, That at least 30 percent of the adult members participate in the election.

Ratification

9. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Ponca Indian Tribe of Oklahoma: *Provided*, That at least 30 percent of the eligible voters shall vote, and provided the tribe has ratified a Constitution and Bylaws approved by the Secretary of the Interior. The ratification of the Charter shall be formally certified by the Superintendent of the Western Oklahoma Consolidated Indian Agency and by the chairman and secretary-treasurer of the tribe.

Submitted by the Assistant Secretary of the Interior for ratification by the Ponca Indian Tribe of Oklahoma.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

WASHINGTON, D. C., May 23, 1950.

I, William E. Warne, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 26, 1936 (49 Stat. 1967), do hereby approve the attached Charter of the Ponca Tribe of Indians of Oklahoma, subject to ratification by the tribe in the manner therein provided.

Upon ratification of this Charter all rules and regulations heretofore promulgated by the Interior Department or by the Bureau of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Charter and the Constitution and Bylaws, approved by me on May 23, 1950, and duly ratified by the tribe on September 20, 1950, are declared inapplicable to the Ponca Tribe of Indians of Oklahoma.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws, and the Charter if, and when, ratified by the tribe.

Approval recommended: January 18, 1950.

JOHN H. PROVINSE,

Assistant Commissioner of Indian Affairs.

WILLIAM E. WARNE,

Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *May 23, 1950.*

CERTIFICATION

Pursuant to section 3 of the act of June 26, 1936 (49 Stat. 1967), this Charter, issued on May 23, 1950, by the Assistant Secretary of the Interior to the Ponca Tribe of Indians of Oklahoma was duly submitted for ratification to the adult members of the tribe, and was on September 20, 1950, duly ratified by a vote of 132 for, and 25 against, in an election in which over 30 percent of those entitled to vote cast their ballots.

Ponca Tribal Election Board.

PARRISH WILLIAMS,

Judge.

DANA A. KNIGHT,

Clerk.

MITCHELL ROY,

Registrar.

JOHN L. JOHNSON,

Pawnee Subagency.

WM. WADE HEAD,

General Superintendent,

Western Oklahoma Consolidated Agency.

