

---

**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



A15305799672

UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1997

---

## **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** 1. In order to further the economic development of  
**Existence** the Apache Tribe of the Mescalero Reservation in  
**and** New Mexico by conferring upon the said Tribe cer-  
**Purpose.** tain corporate rights, powers, privileges and im-  
munities; 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 char-  
tered as a body politic and corporate of the United  
States of America, under the corporate name "The  
Apache Tribe of the Mescalero Reservation."
- Perpetual* 2. The Apache Tribe of the Mescalero Reservation  
*Succession.* shall, as a Federal Corporation, have perpetual  
succession.
- Member-* 3. The Apache Tribe of the Mescalero Reservation  
*ship.* shall be a membership corporation. Its members  
shall consist of all persons now or hereafter mem-  
bers of the Tribe, as provided by its duly ratified  
and approved Constitution and By-laws.
- Manage-* 4. The Business Committee of the Apache Tribe of the  
*ment.* Mescalero Reservation, established in accordance  
with the said Constitution and By-laws of the  
Tribe, shall exercise all the corporate powers here-  
inafter enumerated.

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.

**Corporate  
Property.**

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.

**Corporate  
Income.**

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.

**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.*

AUG 21 1948

AMENDMENT-CORPORATE CHARTER OF THE APACHE  
TRIBE OF THE MESCALERO RESERVATION, NEW  
MEXICO

**AMENDMENT I.**

Section 7, Corporate Dividends, shall be amended to read as follows :

"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."

This amendment, having been proposed by a resolution enacted by the Apache Tribe of the Mescalero Reservation, New Mexico, on April 4, 1947, is herewith approved and submitted for ratification by the adult members of the Tribe living on the Mescalero Reservation in accordance with Section 8 of the Corporate Charter of the Tribe and pursuant to the authority vested in the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984).

Approval recommended: May 3, 1948.

**WILLIAM ZIMMERMAN, Jr.,**  
*Acting Commissioner of Indian Affairs.*

**MASTIN G. WHITE,**  
*Acting Assistant Secretary of the Interior.*

WASHINGTON, D. C., *May 4, 1948.*

**CERTIFICATION**

Pursuant to sections 16 and 17 of the Act of June 18, 1934 (48 Stat. 984), this Amendment, issued on May 4, 1948, by the Acting Assistant Secretary of the Interior to the Apache Tribe of the Mescalero Reservation, New Mexico, was duly submitted to the adult Indians living on the Reservation, and was on July 27, 1948, duly ratified by a vote of 220 for, and 9 against, in an election in which over thirty percent of those entitled to vote cast their ballots.

**RUFUS SAGO,**  
*Chairman, Mescalero-Apache Business Com.*  
**FRED PELLMAN,**  
*Secretary, Mescalero-Apache Business Com.*

**JOHN O. CROW,**  
*Supt., Mescalero Agency.*