

120.92: For Fort Berthold Reservation

CORPORATE CHARTER
OF THE
THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION
NORTH DAKOTA

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RATIFIED APRIL 24, 1937

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DEPARTMENT OF THE INTERIOR
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CORPORATE CHARTER OF THE THREE AFFILIATED
TRIBES OF THE FORT BERTHOLD RESERVATION

A FEDERAL CORPORATION ORGANIZED UNDER THE ACT OF

CORPORATE CHARTER

OF THE

THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION

NORTH DAKOTA

RATIFIED APRIL 24, 1937



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1937

CORPORATE CHARTER OF THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION

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

Whereas, the Three Affiliated Tribes of the Fort Berthold Reservation in North Dakota are a recognized Indian tribe organized under a Constitution and By-laws ratified by the Tribe on May 15, 1936, and approved by the Secretary of the Interior on June 29, 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 Three Affiliated Tribes of the Fort Berthold 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 30 percent of the adult Indians living on the Reservation shall vote.

Corporate Existence and Purposes.

1. In order to further the economic development of the Three Affiliated Tribes of the Fort Berthold Reservation in North Dakota 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 of "The Three Affiliated Tribes of the Fort Berthold Reservation".

Perpetual Succession.

2. The Three Affiliated Tribes of the Fort Berthold Reservation shall, as a Federal Corporation, have perpetual succession.

Membership.

3. The Three Affiliated Tribes 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.

Management.

4. The Tribal Business Council of the Three Affiliated Tribes 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 Fort Berthold 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 Fort Berthold 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 Fort Berthold Reservation shall be made by the Tribe for a longer term than 5 years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral leases, 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 Fort Berthold Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or 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 manage-

ment, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.

(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 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 \$5,000, except with the express approval of the Secretary of the Interior.

(e) 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 provision of this Charter.

(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 any county, or with the United States or the State of North Dakota including agreements with the State of North Dakota for the rendition of public services: *Provided*, That any contract involving payment of money by the corporation in excess of \$10,000 in any 1 fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To pledge or assign chattels or tribal income due or to become due to the Tribe: *Provided*, That such assignments of tribal income, other than assignments to the United States, shall not extend more than 10 years

from the date of execution and shall not cover more than 10 percent of the net tribal income in any one year: *And provided further*, That any such pledge or assignment shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) 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.

(i) 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 specially pledged or signed.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

Termination of Supervisory Powers.

6. Upon the request of the Tribal Business Council for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b) (3), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Tribe. The termination shall be effective upon ratification by a majority vote at an election in which at least 30 percent of the adult members of the Tribe residing on the reservation shall vote. If at any time after 10 years from the effective date of this Charter such request shall be made, and the Secretary shall disapprove it or fail to approve or disapprove it within 90 days after its receipt, the question of the termination of any such power may then be submitted by the Secretary of the Interior or by the Tribal Business Council to popular referendum of the adult members of the Tribe actually living within the Reservation and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

Corporate Property. 7. No property rights of the Three Affiliated Tribes, 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 Dividends. 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 distribute per capita, among the recognized members of the Tribe, all profits of corporate enterprise over and above sums necessary to defray corporate obligations and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. No such distribution of profits in any 1 year amounting to more than \$10 in any 1 year per capita payment shall be made without the approval of the Secretary of the Interior. No distribution of the financial assets of the Tribe shall be made except as provided herein or as authorized by Congress.

Corporate Accounts. 9. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, 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 Tribe to the Commissioner of Indian Affairs.

Amendments. 10. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the Reservation at a popular referendum in which at least 30 percent of the eligible voters vote.

Ratification. 11. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Three Affiliated Tribes living on the Fort Berthold Reservation, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Fort Berthold Agency and the Chairman of the Tribal Business Council.

Submitted by the Secretary of the Interior for ratification by the Three Affiliated Tribes of the Fort Berthold Reservation in a popular referendum to be held on April 24, 1937.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., April 1, 1937.

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this charter, issued on April 1, 1937, by the Secretary of the Interior to the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, was duly submitted for ratification to the adult Indians living on the reservation and was on April 24, 1937, duly ratified by a vote of 407 for, and 118 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

ARTHUR MANDAN,
Chairman of the Tribal Business Council.

W. R. BEYER,
Superintendent in charge of the reservation.