

RESOLUTION
OF
THE PAPAGO COUNCIL

Res. No. 743

WHEREAS, The Judge of the Papago Tribal Court has disqualified himself in the case of The Papago Tribe vs Philbert Toro, and no Associate Judge has been found who is qualified to sit in this case, because of the strong local feeling, and

WHEREAS, Although section 2 of the Law and Order Code of the Papago Tribe provides that "A person shall be eligible to serve as judge of the Papago Tribal Court only if he is a member of the Papago Tribe under the jurisdiction of the said court," it is the feeling of this Council that this provision should be waived in order to insure to the defendant a fair trial.

NOW, THEREFORE BE IT RESOLVED BY THE PAPAGO COUNCIL, That Mr. Nelson Jose, Judge of the Pima Court at Sacaton, be invited and authorized to serve as Judge of the Papago Tribal Court in the case of the Papago Tribe vs Philbert Toro, said Judge Jose to be reimbursed for his expenses and paid the usual fee for such service from Account PT-8A, Papago Court operation,

PROVIDED, that the right of the defendant to object to this waiver of this provision of the Law and Order Code is acknowledged.

The foregoing resolution was on June 4, 1954, duly enacted by a vote of 15 for and 2 against by The Papago Council, pursuant to authority vested in it by Section 3 (b) Article V of the Constitution of the Tribe ratified by the Tribe on December 12, 1935, and approved by the Secretary of the Interior on January 6, 1937, pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 984). Said resolution is effective as of the date of its approval by the Superintendent of the Papago Agency and is subject to the rescission by the Secretary of the Interior, pursuant to Section 6, Article V of the Constitution and By-Laws of the Papago Tribe.

THE PAPAGO COUNCIL

BY: /s/ Enos Francisco
Enos Francisco, Chairman

ATTEST:

/s/ Elizabeth Noriego
Elizabeth Noriego, Sec. & Treas.

APPROVED: 6/10/54

/s/ Alden W. Jones
Acting Superintendent