SUBCHAPTER II—TRAFFIC IN INTOXICATING LIQUORS

§§ 241 to 250. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862

Section 241, R.S. § 2139; acts Feb. 27, 1877, ch. 69, § 1, 19 Stat. 244; July 23, 1892, ch. 234, 27 Stat. 260; June 15, 1938, ch. 435, § 1, 52 Stat. 696, related to sale of intoxicating liquor. See sections 1154 and 1156 of Title 18, Crimes and Criminal Procedure.

Section 241a, act Mar. 1, 1895, ch. 145, § 8, 28 Stat. 697, related to punishment for sale of intoxicating liquors. See section 1155 of Title 18.

Section 242, acts Mar. 2, 1917, ch. 146, § 17, 39 Stat. 983; June 13, 1932, ch. 245, 47 Stat. 302, related to manufacture and sale of alcohol in Osage County, Oklahoma. See section 1154 of Title 18.

Section 243, R.S. § 2139, act July 23, 1892, ch. 234, 27 Stat. 261, related to complaints, arrests, and convictions. See section 3041 of Title 18, and rule 5 of Title 18, Appendix.

Section 244, acts May 25, 1918, ch. 86, § 1, 40 Stat. 563; June 30, 1919, ch. 4, § 1, 41 Stat. 4, related to possession of intoxicating liquor in Indian country. See section 1156 of Title 18.

Section 244a, act Mar. 5, 1934, ch. 43, 48 Stat. 396, related to repeal of certain liquor laws affecting former Indian Territory now a part of Oklahoma. See sections 1154 to 1156 of Title 18.

Section 245, act May 18, 1916, ch. 125, § 1, 39 Stat. 124, related to possession of intoxicating liquor as prima facie evidence of unlawful production. See sections 3113 and 3488 of Title 18.

Section 246, R.S. § 2140, related to searches and seizures. See section 3113 of Title 18.

Section 247, act Mar. 2, 1917, ch. 146, § 1, 39 Stat. 970, related to seizure of vehicles. See section 3618 of Title 18.

Section 248, act Mar. 1, 1907, ch. 2285, 34 Stat. 1017, related to powers of special agents and deputies to suppress liquor traffic. See section 3113 of Title 18.

Section 249, act July 4, 1884, ch. 180, § 1, 23 Stat. 94, related to officers and soldiers of Army furnishing liquor to Indians. See section 1154 of Title 18.

Section 250, act Aug. 24, 1912, ch. 388, § 1, 37 Stat. 519, related to powers of chief special officer and deputies to suppress liquor traffic. See section 3055 of Title 18.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 20 of act June 25, 1948.

§ 251. Setting up distillery

Every person who shall, within the Indian country, set up or continue any distillery for manufacturing ardent spirits, shall be liable to a penalty of $1,000; and the superintendent of Indian affairs, Indian agent, or subagent, within the limits of whose agency any distillery of ardent spirits is set up or continued, shall forthwith destroy and break up the same.

(R.S. § 2141.)

CODIFICATION

R.S. § 2141 derived from act June 30, 1834, ch. 161, § 21, 4 Stat. 732.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

INDIAN AGENTS

The services of Indian agents have been dispensed with. See note set out under section 64 of this title.

SUPERINTENDENT OF INDIAN AFFAIRS

No appropriation for any superintendent of Indian affairs has been made since act Mar. 3, 1877, ch. 101, § 1, 19 Stat. 271.

§ 252. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862

Section, act May 18, 1916, ch. 125, § 1, 39 Stat. 124, related to application of sections 246 and 251 of this title to search and seizure and setting up a distillery. See section 3113 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 20 of act June 25, 1948.

§ 253. Wines for sacramental purposes

It shall not be unlawful to introduce and use wines solely for sacramental purposes, under church authority, at any place within the Indian country or any Indian reservation, including the Pueblo Reservations in New Mexico.

(Aug. 24, 1912, ch. 388, § 1, 37 Stat. 519.)

§ 254. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862

Section, act June 27, 1934, ch. 846, 48 Stat. 1245, related to inapplicability of liquor laws to lands outside reservations free from restrictions against alienation. See sections 1154 and 1156 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 20 of act June 25, 1948.

SUBCHAPTER III—TRADERS WITH INDIANS

§ 261. Power to appoint traders with Indians

The Commissioner of Indian Affairs shall have the sole power and authority to appoint traders to the Indian tribes and to make such rules and regulations as he may deem just and proper specifying the kind and quantity of goods and the prices at which such goods shall be sold to the Indians.

(Aug. 15, 1876, ch. 289, § 5, 19 Stat. 200.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 262. Persons permitted to trade with Indians

Any person desiring to trade with the Indians on any Indian reservation shall, upon establishing the fact, to the satisfaction of the Commissioner of Indian Affairs, that he is a proper person to engage in such trade, be permitted to do so under such rules and regulations as the Commissioner of Indian Affairs may prescribe for the protection of said Indians.

(Mar. 3, 1901, ch. 832, § 1, 31 Stat. 1066; Mar. 3, 1903, ch. 994, § 10, 32 Stat. 1009.)

CODIFICATION

Act Mar. 3, 1901, restricted provisions to the Osages and the Osage Indian Reservation. Act Mar. 3, 1903, extended the provisions to all Indian reservations.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 263. Prohibition of trade by President

The President is authorized, whenever in his opinion the public interest may require the same, to prohibit the introduction of goods, or of any particular article, into the country belonging to any Indian tribe, and to direct all licenses to trade with such tribe to be revoked, and all applications therefor to be rejected. No trader to any other tribe shall, so long as such prohibition may continue, trade with any Indians of or for the tribe against which such prohibition is issued.

(R.S. § 2132.)

CODIFICATION

R.S. § 2132 derived from act June 30, 1834, ch. 161, § 3, 4 Stat. 729.

§ 264. Trading without license; white persons as clerks

Any person other than an Indian of the full blood who shall attempt to reside in the Indian country, or on any Indian reservation, as a trader, or to introduce goods, or to trade therein, without such license, shall forfeit all merchandise offered for sale to the Indians or found in his possession, and shall moreover be liable to a penalty of $500: *Provided*, That this section shall not apply to any person residing among or trading with the Choctaws, Cherokees, Chickasaws, Creeks, or Seminoles, commonly called the Five Civilized Tribes, residing in said Indian country, and belonging to the Union Agency therein: *And provided further*, That no white person shall be employed as a clerk by any Indian trader, except such as trade with said Five Civilized Tribes, unless first licensed so to do by the Commissioner of Indian Affairs, under and in conformity to regulations to be established by the Secretary of the Interior.

(R.S. § 2133; July 31, 1882, ch. 360, 22 Stat. 179.)

CODIFICATION

R.S. § 2133 derived from act June 30, 1834, ch. 161, § 4, 4 Stat. 729.

Act July 31, 1882, inserted ''of the full blood'' and ''or on any Indian reservation'' and added the two provisos.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§§ 265, 266. Repealed. Aug. 15, 1953, ch. 506, § 1, 67 Stat. 590

Section 265, R.S. § 2135, prohibited certain purchases and sales within Indian country by persons other than Indians.

Section 266, R.S. §§ 467, 2136, prohibited sale of arms in district occupied by uncivilized or hostile Indians.

CHAPTER 7—EDUCATION OF INDIANS

Sec.
271. Employment of instructors for Indians.
272. Superintendent of Indian schools.
272a. Other duties.
273. Detail of Army officer.
274. Employment of Indian girls and boys as assistants.
275. Leaves of absence to employees.
276. Vacant military posts or barracks for schools; detail of Army officers.
277. Former Apache military post established as Theodore Roosevelt Indian School.
278. Repealed.
278a. Use of appropriated funds for education in sectarian schools prohibited; exceptions.
279. Rations to mission schools.
280. Patents of lands to missionary boards of religious organizations.
280a. Land in Alaska for schools or missions; general land laws.
281. Children taking lands in severalty not excluded.
282. Regulations by Secretary of the Interior to secure attendance at school.
283. Regulations for withholding rations for nonattendance at schools.
284. Omitted.
285. Withholding annuities from Osage Indians for nonattendance at schools.
286. Sending child to school out of State without consent.
287. Taking child to school in another State without written consent.
288, 289. Repealed.
290. Transportation of pupils under 14 at Government expense.
290a. Bureau appropriations as not limiting transportation of school children.
291. Removal of Government property at schools.
292. Suspension or discontinuance of schools.
292a. Discontinuance of boarding and day schools having small attendance.
292b. Establishment of single system of education in Alaska; transfer of Indian schools to State of Alaska.
292c. Unavailability of appropriated funds for boarding schools.
293. Sale of lands purchased for day school or other Indian administrative uses.
293a. Conveyance of school properties to local school districts or public agencies.
293b. Conveyance of abandoned school properties in Alaska to local town or city officials or school authorities; reservation of rights and claims by United States and use conditions; violations and forfeiture of grant; determinations; reversion to United States.
294. Sale of certain abandoned buildings on lands belonging to Indian tribes.
295. Supervision of expenditure of appropriations for school purposes.
296 to 301. Repealed or Omitted.
302. Indian Reform School; rules and regulations; consent of parents to placing youth in reform school.
303. Omitted.
304. South Dakota Indians; State course of study.
304a. Study and investigation of Indian education in United States and Alaska; contracts; report to Congress; appropriations.
304b. Deposits of funds of students and student activity associations in Indian schools.

§ 271. Employment of instructors for Indians

The President may, in every case where he shall judge improvement in the habits and con-