tain 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.

§ 163. Roll of membership of Indian tribes

The Secretary of the Interior is authorized, wherever in his discretion such action would be for the best interest of the Indians, to cause a final roll to be made of the membership of any Indian tribe; such rolls shall contain the ages and quantum of Indian blood, and when approved by the said Secretary are declared to constitute the legal membership of the respective tribes for the purpose of segregating the tribal funds as provided in section 162[1] of this title, and shall be conclusive both as to ages and quantum of Indian blood: *Provided*, That the foregoing shall not apply to the Five Civilized Tribes or to the Osage Tribe of Indians, or to the Chippewa Indians of Minnesota, or the Menominee Indians of Wisconsin.

(June 30, 1919, ch. 4, §1, 41 Stat. 9.)

REFERENCES IN TEXT

Section 162 of this title, referred to in text, was repealed by act June 24, 1938, ch. 648, §2, 52 Stat. 1037. See section 162a of this title.

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.

§ 164. Restoration to tribal ownership of unclaimed per capita and other individual payments of tribal trust funds; deposit in general fund of the Treasury

Unless otherwise specifically provided by law, the share of an individual member of an Indian tribe or group in a per capita or other distribution, individualization, segregation, or proration of Indian tribal or group funds held in trust by the United States, or in an annuity payment under a treaty, heretofore or hereafter authorized by law, and any interest earned on such share that is properly creditable to the individual shall be restored to tribal ownership if for any reason such share cannot be paid to the individual entitled thereto and remains unclaimed for a period of six years from the date of the administrative directive to make the payment, or one year from September 22, 1961, whichever occurs later: *Provided*, That if such individual is a member of an Indian tribe or group that has no governing body recognized by the Secretary of the Interior as authorized to act on behalf of the tribe or group, such unpaid share and interest shall be regarded as not capable of restoration to a tribal or group entity and shall be deposited in the general fund of the Treasury of the United States.

(Pub. L. 87–283, §1, Sept. 22, 1961, 75 Stat. 584.)

[1] See References in Text note below.

§ 165. Notice to Congressional committees

The Secretary shall not restore to tribal ownership or deposit in the general fund of the Treasury any funds pursuant to section 164 of this title and this section until sixty calendar days (exclusive of days on which either the Senate or the House of Representatives is not in session because of an adjournment of more than three days to a day certain) after he has submitted notice of his proposed action to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives unless each of said committees has theretofore notified him that it has no objection to the proposed action.

(Pub. L. 87–283, §2, Sept. 22, 1961, 75 Stat. 584; Pub. L. 103–437, §10(b), Nov. 2, 1994, 108 Stat. 4589.)

AMENDMENTS

1994—Pub. L. 103–437 substituted ''Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives'' for ''Committees on Interior and Insular Affairs of the Senate and the House of Representatives''.

§ 166. Applicability of Federal Advisory Committee Act

The activities of the Department of the Interior associated with the Department's consultation with Indian tribes and organizations related to the management of funds held in trust by the United States for Indian tribes shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(Pub. L. 103–435, §19, Nov. 2, 1994, 108 Stat. 4574.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in text, is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

CHAPTER 5—PROTECTION OF INDIANS

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202. Inducing conveyances by Indians of trust interests in lands.

§§ 171 to 173. Repealed. May 21, 1934, ch. 321, 48 Stat. 787

Section 171, R.S. § 2111, related to imposition of a penalty for sending seditious messages intending to contravene a United States treaty or law.

Section 172, R.S. § 2112, related to imposition of a penalty for carrying seditious messages intending to contravene a United States treaty or law.

Section 173, R.S. § 2113, related to imposition of a penalty for corresponding with foreign nations intending to incite Indians to war.

§ 174. Superintendence by President over tribes west of Mississippi

The President is authorized to exercise general superintendence and care over any tribe or nation which was removed upon an exchange of territory under authority of the act of May 28, 1830, ''to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi;'' and to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

(R.S. § 2114.)

CODIFICATION

R.S. § 2114 derived from act May 28, 1830, ch. 148, §§ 7, 8, 4 Stat. 412.

AMERICAN INDIAN POLICY REVIEW COMMISSION

Pub. L. 93–580, Jan. 2, 1975, 88 Stat. 1910, as amended by Pub. L. 94–80, §§ 1–4, Aug. 9, 1975, 89 Stat. 415, 416; Pub. L. 95–5, Feb. 17, 1977, 91 Stat. 13, provided for the establishment, membership, etc., of the American Indian Policy Review Commission, and for investigations, studies, and a final report respecting Indian tribal government affairs, with the Commission to cease to exist three months after submission of the final report but not later than June 30, 1977, and Congressional committee reports to Congress within two years after referral to committee of the final report by the President of the Senate and Speaker of the House.

§ 175. United States attorneys to represent Indians

In all States and Territories where there are reservations or allotted Indians the United States attorney shall represent them in all suits at law and in equity.

(Mar. 3, 1893, ch. 209, § 1, 27 Stat. 631; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

CHANGE OF NAME

''United States attorney'' substituted in text for ''United States district attorney'' on authority of act June 25, 1948. See section 541 of Title 28, Judiciary and Judicial Procedure.

§ 176. Survey of reservations

Whenever it becomes necessary to survey any Indian or other reservations, or any lands, the same shall be surveyed under the direction and control of the Bureau of Land Management, and as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed.

(R.S. § 2115; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

R.S. § 2115 derived from act Apr. 8, 1864, ch. 48, § 6, 13 Stat. 41.

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.

''Bureau of Land Management'' substituted in text for ''General Land Office'' pursuant to section 403 of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, which established the Bureau and transferred thereto the powers and duties of the General Land Office.

§ 177. Purchases or grants of lands from Indians

No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution. Every person who, not being employed under the authority of the United States, attempts to negotiate such treaty or convention, directly or indirectly, or to treat with any such nation or tribe of Indians for the title or purchase of any lands by them held or claimed, is liable to a penalty of $1,000. The agent of any State who may be present at any treaty held with Indians under the authority of the United States, in the presence and with the approbation of the commissioner of the United States appointed to hold the same, may, however, propose to, and adjust with, the Indians the compensation to be made for their claim to lands within such State, which shall be extinguished by treaty.

(R.S. § 2116.)

CODIFICATION

R.S. § 2116 derived from act June 30, 1834, ch. 161, § 12, 4 Stat. 730.

§ 178. Fees on behalf of Indian parties in contests under public land laws

In contests initiated by or against Indians, to an entry, filing or other claims, under the laws of Congress relating to public lands for any sufficient cause affecting the legality or validity of the entry, filing or claim, the fees to be paid by and on behalf of the Indian party in any case shall be one-half of the fees provided by law in such cases, and said fees shall be paid by the

Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, on an account stated by the proper land officers through the Secretary of the Interior or such officer as he may designate.

(Mar. 3, 1893, ch. 209, § 1, 27 Stat. 631; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

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.

"Secretary of the Interior or such officer as he may designate" substituted in text for "Commissioner of the General Land Office" on authority of section 403(d) and (e) of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, which abolished office of Commissioner of General Land Office and transferred functions of General Land Office to Secretary of the Interior or such officers and agencies of Department of the Interior as he may designate.

§ 179. Driving stock to feed on lands

Every person who drives or otherwise conveys any stock of horses, mules, or cattle, to range and feed on any land belonging to any Indian or Indian tribe, without the consent of such tribe, is liable to a penalty of $1 for each animal of such stock. This section shall not apply to Creek lands.

(R.S. § 2117; Mar. 1, 1901, ch. 676, § 37, 31 Stat. 871; June 30, 1902, ch. 1323, § 17, 32 Stat. 504.)

CODIFICATION

R.S. § 2117 derived from act June 30, 1834, ch. 161, § 9, 4 Stat. 730.

§ 180. Settling on or surveying lands belonging to Indians by treaty

Every person who makes a settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe, or surveys or attempts to survey such lands, or to designate any of the boundaries by marking trees, or otherwise, is liable to a penalty of $1,000. The President may, moreover, take such measures and employ such military force as he may judge necessary to remove any such person from the lands.

(R.S. § 2118.)

CODIFICATION

R.S. § 2118 derived from act June 30, 1834, ch. 161, § 11, 4 Stat. 730.

§ 181. Rights of white men marrying Indian women; tribal property

No white man, not otherwise a member of any tribe of Indians, who may after August 9, 1888, marry an Indian woman, member of any Indian tribe in the United States, or any of its Territories except the Five Civilized Tribes in the Indian Territory, shall by such marriage after August 9, 1888, acquire any right to any tribal property, privilege, or interest whatever to which any member of such tribe is entitled.

(Aug. 9, 1888, ch. 818, § 1, 25 Stat. 392.)

§ 182. Rights of Indian women marrying white men; tribal property

Every Indian woman, member of any such tribe of Indians, who may be married after August 9, 1888, to any citizen of the United States, is hereby declared to become by such marriage a citizen of the United States, with all the rights, privileges, and immunities of any such citizen, being a married woman: *Provided*, That nothing in sections 181 to 183 of this title contained shall impair or in any way affect the right or title of such married woman to any tribal property or any interest therein.

(Aug. 9, 1888, ch. 818, § 2, 25 Stat. 392.)

§ 183. Marriage of white men to Indian women; evidence

Whenever the marriage of any white man with any Indian woman, a member of any such tribe of Indians, is required or offered to be proved in any judicial proceeding, evidence of the admission of such fact by the party against whom the proceeding is had, or evidence of general repute, or of cohabitation as married persons, or any other circumstantial or presumptive evidence from which the fact may be inferred, shall be competent.

(Aug. 9, 1888, ch. 818, § 3, 25 Stat. 392.)

§ 184. Rights of children born of marriages between white men and Indian women

All children born of a marriage solemnized prior to June 7, 1897, between a white man and an Indian woman by blood and not by adoption, where said Indian woman was on that date, or was at the time of her death, recognized by the tribe, shall have the same rights and privileges to the property of the tribe to which the mother belongs, or belonged at the time of her death, by blood, as any other member of the tribe, and no prior Act of Congress shall be construed as to debar such child of such right.

(June 7, 1897, ch. 3, 30 Stat. 90.)

§ 185. Protection of Indians desiring civilized life

Whenever any Indian, being a member of any band or tribe with whom the Government has or shall have entered into treaty stipulations, being desirous to adopt the habits of civilized life, has had a portion of the lands belonging to his tribe allotted to him in severalty, in pursuance of such treaty stipulations, the agent and superintendent of such tribe shall take such measures, not inconsistent with law, as may be necessary to protect such Indian in the quiet enjoyment of the lands so allotted to him.

(R.S. § 2119.)

CODIFICATION

R.S. § 2119 derived from act June 14, 1862, ch. 101, § 1, 12 Stat. 427.

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.

§ 186. Repealed. May 21, 1934, ch. 321, 48 Stat. 787

Section, R.S. § 2120, related to trespassing on lands of civilized Indians.

§ 187. Omitted

CODIFICATION

Section, R.S. § 2121, which directed the Superintendent of Indian Affairs to suspend a trespasser (as described in section 186 of this title) who is the chief or headman of a band or tribe from his office for 3 months and to deprive him of all benefits and emoluments of such office during that time but allowed the Superintendent to restore him to his office sooner if the Superintendent should so decide, was omitted in view of the repeal of section 186 of this title.

§§ 188, 189. Repealed. Oct. 31, 1951, ch. 654, § 1(49), (50), 65 Stat. 703

Section 188, R.S. § 2122, related to sale of buildings belonging to United States.

Section 189, R.S. § 2123, related to sale of lands with buildings.

§ 190. Sale of plants or tracts not needed for administrative or allotment purposes

Subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended,[1] the Secretary of the Interior is authorized in his discretion to sell and convey by deed or patent, under such terms and conditions as he may prescribe, at not less than their appraised value, nonreservation Government tracts or plants or tribal administrative plants or reserves, or parts thereof, not exceeding forty acres in area and not exceeding $2,000 in value, not longer needed for Indian administrative or allotment purposes, and small unallotted tracts not exceeding forty acres, where a sale will serve the tribal interests. All sales made under this section shall be at public auction, to the highest and best bidder.

And the Secretary of the Interior is further authorized, where a tract to be disposed of under this section or any other Act authorizing the disposition of tribal lands requires survey as basis for a deed or patent, to accept from the grantee, in addition to the purchase price, an amount sufficient to cover the survey costs.

The net proceeds of sale of any tribal site, plant, or tract shall be deposited in the Treasury of the United States to the credit of the Indians owning the same, to be disposed of for their benefit in accordance with existing law.

(Apr. 12, 1924, ch. 93, 43 Stat. 93; Oct. 31, 1951, ch. 654, § 2(16), 65 Stat. 707.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Except for title III of the Act, which is classified generally to subchapter IV (§ 251 et seq.) of chapter 4 of Title 41, Public Contracts, the Act was repealed and reenacted by Pub. L. 107–217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304, as chapters 1 to 11 of Title 40, Public Buildings, Property, and Works.

AMENDMENTS

1951—Act Oct. 31, 1951, inserted reference to applicable regulations of Federal Property and Administrative Services Act of 1949, as amended, at beginning of first par., and, in third par., struck out requirement that net proceeds of sales of Government-owned nontribal plants or lands be deposited in Treasury of United States.

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.

§ 191. Repealed. Oct. 31, 1951, ch. 654, § 1(51), 65 Stat. 703

Section, acts July 1, 1898, ch. 545, § 6, 30 Stat. 596; June 25, 1910, ch. 431, § 22, 36 Stat. 861, related to transfer or sale of Government property at reservations.

§ 192. Sale by agents of cattle or horses not required

The agent of each tribe of Indians, lawfully residing in the Indian country, is authorized to sell for the benefit of such Indians any cattle, horses, or other livestock belonging to the Indians, and not required for their use and subsistence, under such regulations as shall be established by the Secretary of the Interior. But no such sale shall be made so as to interfere with the execution of any order lawfully issued by the Secretary of the Army, connected with the movement or subsistence of troops.

(R.S. § 2127; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CODIFICATION

R.S. § 2127 derived from act Mar. 3, 1865, ch. 127, § 9, 13 Stat. 563.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

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.

[1] See References in Text note below.

§ 193. Proceedings against goods seized for certain violations

When goods or other property shall be seized for any violation of title 28 of the Revised Statutes it shall be lawful for the person prosecuting on behalf of the United States to proceed against such goods, or other property, in the manner directed to be observed in the case of goods, wares, or merchandise brought into the United States in violation of the revenue laws.

(R.S. § 2125.)

REFERENCES IN TEXT

Title 28 of the Revised Statutes, referred to in text, was in the original "this Title", meaning title 28 of the Revised Statutes, consisting of R.S. §§ 2039 to 2157. For complete classification of R.S. §§ 2039 to 2157 to the Code, see Tables.

CODIFICATION

R.S. § 2125 derived from act June 30, 1834, ch. 161, § 28, 4 Stat. 734.

§ 194. Trial of right of property; burden of proof

In all trials about the right of property in which an Indian may be a party on one side, and a white person on the other, the burden of proof shall rest upon the white person, whenever the Indian shall make out a presumption of title in himself from the fact of previous possession or ownership.

(R.S. § 2126.)

CODIFICATION

R.S. § 2126 derived from act June 30, 1834, ch. 161, § 22, 4 Stat. 733.

§ 195. Repealed. Aug. 15, 1953, ch. 506, § 2(b), 67 Stat. 590

Section, act July 4, 1884, ch. 180, § 1, 23 Stat. 94, related to sale of cattle purchased by Government to nontribal members.

§ 196. Sale or other disposition of dead timber

The President of the United States may from year to year in his discretion under such regulations as he may prescribe authorize the Indians residing on reservations or allotments, the fee to which remains in the United States, to fell, cut, remove, sell or otherwise dispose of the dead timber standing, or fallen, on such reservation or allotment for the sole benefit of such Indian or Indians. But whenever there is reasonable cause to believe that such timber has been killed, burned, girdled, or otherwise injured for the purpose of securing its sale under this section then in that case such authority shall not be granted.

(Feb. 16, 1889, ch. 172, 25 Stat. 673.)

§ 197. Disposition of dead timber on reservations in Minnesota

The Secretary of the Interior may in his discretion, from year to year, under such regulations as he may prescribe, authorize the Indians residing on any Indian reservation in the State of Minnesota, whether the same has been allotted in severalty or is still unallotted, to fell, cut, remove, sell, or otherwise dispose of the dead timber, standing or fallen on such reservation or any part thereof, for the sole benefit of such Indians; and he may also in like manner authorize the Chippewa Indians of Minnesota who have any interest or right in the proceeds derived from the sales of ceded Indian lands or the timber growing thereon, whereof the fee is still in the United States, to fell, cut, remove, or dispose of the dead timber, otherwise than by sale, standing or fallen, on such ceded land. But whenever there is reason to believe that such dead timber in either case has been killed, burned, girdled, or otherwise injured for the purpose of securing its sale under this section, then in that case authority shall not be granted.

(June 7, 1897, ch. 3, 30 Stat. 90.)

CHIPPEWA RESERVATION AND CEDED LANDS IN MINNESOTA

Act June 27, 1902, ch. 1157, § 4, 32 Stat. 404, provided: "That so much of the Act of June seventh, eighteen hundred and ninety-seven, entitled 'An Act making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes,' as authorizes the sale of dead timber, standing or fallen, under regulations prescribed by the Secretary of the Interior, on the Chippewa reservations and ceded lands in the State of Minnesota, is hereby repealed: *Provided*, That nothing herein contained shall be held in any way to affect contracts already entered into and now in force for the sale and cutting of dead timber, standing or fallen, on said reservations and ceded lands."

§ 198. Contagious and infectious diseases; quarantine

Whenever the Secretary of the Interior shall find any Indian afflicted with tuberculosis, trachoma, or other contagious or infectious diseases, he may, if in his judgment the health of the afflicted Indian or that of other persons require it, isolate or quarantine such afflicted Indian in a hospital or other place for treatment. The Secretary of the Interior may employ such means as may be necessary in the isolation, or quarantine, of such Indian, and it shall be the duty of such Indian so afflicted to obey any order or regulation made by the Secretary of the Interior in carrying out this provision.

(Aug. 1, 1914, ch. 222, § 1, 38 Stat. 584.)

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.

§ 199. Access to records of Five Civilized Tribes

The Secretary of the Interior, or his accredited representative, shall at all times have access to any books and records of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes, whether in possession of any of the officers of either of said tribes or any officer or custodian thereof, of the State of Oklahoma.

(Mar. 1, 1907, ch. 2285, 34 Stat. 1027.)

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.

§ 199a. Custody of records; Oklahoma Historical Society

Title to records of Indian tribes heretofore placed with the Oklahoma Historical Society of the State of Oklahoma by the Secretary of the Interior shall remain vested in the United States and such records shall be held by the said society under rules and regulations prescribed by the Archivist of the United States: *Provided*, That copies of any such records, documents, books, or papers held by the said society when certified by the secretary or chief clerk thereof under its seal, or by the officer or person acting as secretary or chief clerk, shall be evidence equally with the original, and in making such certified copies the said secretary or acting secretary and the said chief clerk or acting chief clerk shall be acting as a Federal agent, and such certified copies shall have the same force and effect as if made by the Archivist of the United States as provided in section 2116(b) of title 44: *Provided further*, That whenever such certified copies are desired for official use by the Federal Government they shall be furnished without cost: *Provided further*, That any such records held by the said society shall be promptly returned to the Government official designated by the Archivist of the United States upon his request therefor.

(Mar. 27, 1934, ch. 93, 48 Stat. 501; Oct. 25, 1951, ch. 562, §4(5), 65 Stat. 640; Pub. L. 98–497, title I, §107(i), Oct. 19, 1984, 98 Stat. 2292.)

CODIFICATION

"Section 2116(b) of title 44" substituted in text for "section 509(b) of the Federal Records Act of 1950 (64 Stat. 583)" on authority of section 2(b) of Pub. L. 90–620, Oct. 22, 1968, 82 Stat. 1305, the first section of which enacted Title 44, Public Printing and Documents, and restated such section 509(b) as section 2112(b) of Title 44, and Pub. L. 98–497, title I, §102(a)(1), Oct. 19, 1984, 98 Stat. 2280, which renumbered section 2112(b) as 2116(b).

AMENDMENTS

1984—Pub. L. 98–497 substituted "Archivist of the United States" for "Administrator of General Services" in three places.

1951—Act Oct. 25, 1951, transferred control of Indian tribal records, heretofore placed hereunder with Oklahoma Historical Society, from Secretary of the Interior to Administrator of General Services.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–497 effective Apr. 1, 1985, see section 301 of Pub. L. 98–497, set out as a note under section 2102 of Title 44, Public Printing and Documents.

§ 200. Report of offense or case of Indian incarcerated in agency jail

Whenever an Indian shall be incarcerated in an agency jail, or any other place of confinement, on an Indian reservation or at an Indian school, a report or record of the offense or case shall be immediately submitted to the superintendent of the reservation or such official or officials as he may designate, and such report shall be made a part of the records of the agency office.

(Aug. 1, 1914, ch. 222, §1, 38 Stat. 586.)

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.

§ 201. Penalties; how recovered

All penalties which shall accrue under title 28 of the Revised Statutes shall be sued for and recovered in an action in the nature of an action of debt, in the name of the United States, before any court having jurisdiction of the same, in any State or Territory in which the defendant shall be arrested or found, the one half to the use of the informer and the other half to the use of the United States, except when the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use.

(R.S. §2124.)

REFERENCES IN TEXT

Title 28 of the Revised Statutes, referred to in text, was in the original "this Title", meaning title 28 of the Revised Statutes, consisting of R.S. §§2039 to 2157. For complete classification of R.S. §§2039 to 2157 to the Code, see Tables.

CODIFICATION

R.S. §2124 derived from act June 30, 1834, ch. 161, §27, 4 Stat. 733.

§ 202. Inducing conveyances by Indians of trust interests in lands

It shall be unlawful for any person to induce any Indian to execute any contract, deed, mortgage, or other instrument purporting to convey any land or any interest therein held by the United States in trust for such Indian, or to offer any such contract, deed, mortgage, or other instrument for record in the office of any recorder of deeds. Any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $500 for the first offense, and if convicted for a second offense may be punished by a fine not exceeding $500 or imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court. This section shall not apply to any lease or other contract authorized by law to be made.

(June 25, 1910, ch. 431, §5, 36 Stat. 857.)

CODIFICATION

Section was formerly classified to section 115 of Title 18, Criminal Code and Criminal Procedure, prior to the general revision and enactment of Title 18, Crimes and Criminal Procedure, by act June 25, 1948, ch. 645, §1, 62 Stat. 683.

CHAPTER 6—GOVERNMENT OF INDIAN COUNTRY AND RESERVATIONS

SUBCHAPTER I—GENERALLY

Sec.
211. Creation of Indian reservations.
212 to 228. Repealed.
229. Injuries to property by Indians.
230. Depositions by agents touching depredations.
231. Enforcement of State laws affecting health and education; entry of State employees on Indian lands.
232. Jurisdiction of New York State over offenses committed on reservations within State.
233. Jurisdiction of New York State courts in civil actions.

SUBCHAPTER II—TRAFFIC IN INTOXICATING LIQUORS

241 to 250. Repealed.
251. Setting up distillery.
252. Repealed.
253. Wines for sacramental purposes.
254. Repealed.

SUBCHAPTER III—TRADERS WITH INDIANS

261. Power to appoint traders with Indians.
262. Persons permitted to trade with Indians.
263. Prohibition of trade by President.
264. Trading without license; white persons as clerks.
265, 266. Repealed.

SUBCHAPTER I—GENERALLY

§ 211. Creation of Indian reservations

No Indian reservation shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of New Mexico and Arizona, except by Act of Congress.

(May 25, 1918, ch. 86, § 2, 40 Stat. 570.)

§§ 212 to 215. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862

Section 212, R.S. § 2143, related to arson. See section 1153 of Title 18, Crimes and Criminal Procedure.

Section 213, R.S. § 2142, related to assault. See section 1153 of Title 18.

Section 214, R.S. § 2138; act June 30, 1919, ch. 4, § 1, 41 Stat. 9, related to removing cattle from Indian country.

Section 215, R.S. § 2144, related to forgery and depredations on the mails. See sections 1151 and 1152 of Title 18.

EFFECTIVE DATE OF REPEAL

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

§ 216. Repealed. Pub. L. 86–634, § 4, July 12, 1960, 74 Stat. 469

Section, R.S. § 2137, prohibited hunting by non-Indians on Indian lands except for subsistence. See section 1165 of Title 18, Crimes and Criminal Procedure.

§§ 217 to 218. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862

Section 217, R.S. § 2145, related to general laws as to punishment extended to Indian country. See sections 1151 and 1152 of Title 18, Crimes and Criminal Procedure.

Section 217a, act June 8, 1940, ch. 276, 54 Stat. 249, related to jurisdiction of Kansas over offenses committed by or against Indians or reservations. See section 3243 of Title 18.

Section 218, R.S. § 2146; act Feb. 18, 1875, ch. 80, § 1, 18 Stat. 318, related to exceptions as to extension of general laws. See sections 1151 and 1152 of Title 18.

EFFECTIVE DATE OF REPEAL

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

§§ 219 to 226. Repealed. May 21, 1934, ch. 321, 48 Stat. 787

Section 219, R.S. § 2134, related to foreigners entering Indian country without passports, penalty for such entry and contents of passports.

Section 220, R.S. § 2147, related to authority to remove person from Indian country and to use of military force.

Section 221, R.S. § 2148, related to person returning after removal from Indian country.

Section 222, R.S. § 2149, related to authority to remove person from Indian reservation and use of necessary force.

Section 223, R.S. § 2150, related to employment of military.

Section 224, R.S. § 2151, related to detention and treatment of persons apprehended by military.

Section 225, R.S. § 2152, related to arrest of absconding Indians, use of military force to apprehend such Indians and to prevent tribal hostilities.

Section 226, R.S. § 2153, related to posse comitatus in executing process.

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

Section 227, R.S. § 2154, related to reparation for injuries to Indian property. See section 1160 of Title 18, Crimes and Criminal Procedure.

Section 228, R.S. § 2155, related to payment of reparation where offender is unable to. See section 1160 of Title 18.

EFFECTIVE DATE OF REPEAL

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

§ 229. Injuries to property by Indians

If any Indian, belonging to any tribe in amity with the United States, shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy, any horse, or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent, may make application to the proper superintendent, agent, or subagent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which such Indian shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time not exceeding twelve months, such superintendent, agent, or subagent shall make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury.

(R.S. § 2156.)

CODIFICATION

R.S. § 2156 derived from acts June 30, 1834, ch. 161, § 17, 4 Stat. 731; Feb. 28, 1859, ch. 66, § 8, 11 Stat. 401.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with cer-