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 Repealed.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 Repealed.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 Repealed.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 Repealed.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 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.

§ 230. Depositions by agents touching depredations

The superintendents, agents, and subagents within their respective districts are authorized and empowered to take depositions of witnesses touching any depredations, within the purview of sections 227, 228[1] and 229 of this title, and to administer oaths to the deponents.

(R.S. § 2157.)

REFERENCES IN TEXT

Sections 227 and 228 of this title, referred to in text, were repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, and are covered by section 1160 of Title 18, Crimes and Criminal Procedure.

CODIFICATION

R.S. § 2157 derived from act June 30, 1834, ch. 161, § 18, 4 Stat. 732.

[1] See References in Text note below.

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.

§ 231. Enforcement of State laws affecting health and education; entry of State employees on Indian lands

The Secretary of the Interior, under such rules and regulations as he may prescribe, shall permit the agents and employees of any State to enter upon Indian tribal lands, reservations, or allotments therein (1) for the purpose of making inspection of health and educational conditions and enforcing sanitation and quarantine regulations or (2) to enforce the penalties of State compulsory school attendance laws against Indian children, and parents, or other persons in loco parentis except that this subparagraph (2) shall not apply to Indians of any tribe in which a duly constituted governing body exists until such body has adopted a resolution consenting to such application.

(Feb. 15, 1929, ch. 216, 45 Stat. 1185; Aug. 9, 1946, ch. 930, 60 Stat. 962.)

AMENDMENTS

1946—Act Aug. 9, 1946, permitted proper State officers to invoke penalties of State compulsory school attendance against Indian children, their parents, or other persons in loco parentis.

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.

§ 232. Jurisdiction of New York State over offenses committed on reservations within State

The State of New York shall have jurisdiction over offenses committed by or against Indians on Indian reservations within the State of New York to the same extent as the courts of the State have jurisdiction over offenses committed elsewhere within the State as defined by the laws of the State: *Provided*, That nothing contained in this section shall be construed to deprive any Indian tribe, band, or community, or members thereof,[1] hunting and fishing rights as guaranteed them by agreement, treaty, or custom, nor require them to obtain State fish and game licenses for the exercise of such rights.

(July 2, 1948, ch. 809, 62 Stat. 1224.)

§ 233. Jurisdiction of New York State courts in civil actions

The courts of the State of New York under the laws of such State shall have jurisdiction in civil actions and proceedings between Indians or between one or more Indians and any other person or persons to the same extent as the courts of the State shall have jurisdiction in other civil actions and proceedings, as now or hereafter defined by the laws of such State: *Provided*, That the governing body of any recognized tribe of Indians in the State of New York shall have the right to declare, by appropriate enactment prior to September 13, 1952, those tribal laws and customs which they desire to preserve, which, on certification to the Secretary of the Interior by the governing body of such tribe shall be published in the Federal Register and thereafter shall govern in all civil cases involving reservation Indians when the subject matter of such tribal laws and customs is involved or at issue, but nothing herein contained shall be construed to prevent such courts from recognizing and giving effect to any tribal law or custom which may be proven to the satisfaction of such courts: *Provided further*, That nothing in this section shall be construed to require any such tribe or the members thereof to obtain fish and game licenses from the State of New York for the exercise of any hunting and fishing rights provided for such Indians under any agreement, treaty, or custom: *Provided further*, That nothing herein contained shall be construed as subjecting the lands within any Indian reservation in the State of New York to taxation for State or local purposes, nor as subjecting any such lands, or any Federal or State annuity in favor of Indians or Indian tribes, to execution on any judgment rendered in the State courts, except in the enforcement of a judgment in a suit by one tribal member against another in the matter of the use or possession of land: *And provided further*, That nothing herein contained shall be construed as authorizing the alienation from any Indian nation, tribe, or band of Indians of any lands within any Indian reservation in the State of New York: *Provided further*, That nothing herein contained shall be construed as conferring jurisdiction on the courts of the State of New York or making applicable the laws of the State of New York in civil actions involving Indian lands or claims with respect thereto which relate to transactions or events transpiring prior to September 13, 1952.

(Sept. 13, 1950, ch. 947, §1, 64 Stat. 845.)

EFFECTIVE DATE

Section 2 of act Sept. 13, 1950, provided: ''This Act [this section] shall take effect two years after the date of its passage [Sept. 13, 1950].''

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 manufac-

[1] So in original. Probably should be followed by ''of''.