

the Secretary to those entitled to receive the same, and shall bear six per centum interest until so paid.

SEC. 2109. Whenever the issue of food, clothing, or supplies of any kind to Indians is provided for, it shall be the duty of the agent or commissioner issuing the same, at such issue thereof, whether it be both of food and clothing, or either of them, or of any kind of supplies, to report to the Commissioner of Indian Affairs the number of Indians present and actually receiving the same.

SEC. 2110. The President is authorized to cause such rations as he deems proper, and as can be spared from the Army provisions without injury to the service, to be issued, under such regulations as he shall think fit to establish, to Indians who may visit the military posts or agencies of the United States on the frontiers, or in their respective nations; and a special account of these issues shall be kept and rendered.

Number of Indians present and receiving food, &c., to be reported.

14 Feb., 1873, c. 138, s. 7, v. 17, pp. 463-464.

Rations for Indians.

30 June, 1834, c. 162, s. 16, v. 4, p. 738.

CHAPTER THREE.

GOVERNMENT AND PROTECTION OF INDIANS.

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| <p>Sec.
2111. Sending seditious messages, penalty.
2112. Carrying seditious messages, penalty.
2113. Correspondence with foreign nations to excite Indians to war, penalty.
2114. General superintendence by President over tribes removed west of the Mississippi.
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2119. Protection of Indians desiring civilized life.
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2121. Suspension of chief for trespass.
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SEC. 2111. Every person who sends any talk, speech, message, or letter to any Indian nation, tribe, chief, or individual, with an intent to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace and tranquillity of the United States, is liable to a penalty of two thousand dollars.

Sending seditious messages; penalty.

30 June, 1834, c. 161, s. 13, v. 4, p. 731.

SEC. 2112. Every person who carries or delivers any talk, message, speech, or letter, intended to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace or tranquillity of the United States, knowing the contents thereof, to or from any Indian nation, tribe, chief, or individual, from or to any person or persons whatever, residing within the United States, or from or to any subject, citizen, or agent of any foreign power or state, is liable to a penalty of one thousand dollars.

Carrying seditious messages; penalty.

30 June, 1834, c. 161, s. 14, v. 4, p. 731.

SEC. 2113. Every person who carries on a correspondence, by letter or otherwise, with any foreign nation or power, with an intent to induce such foreign nation or power to excite any Indian nation, tribe, chief, or individual, to war against the United States, or to the violation of any existing treaty; or who alienates, or attempts to alienate, the confidence of any Indian or Indians from the Government of the United States, is liable to a penalty of one thousand dollars. [See § 5335.]

Correspondence with foreign nations, to excite Indians to war; penalty.

30 June, 1834, c. 161, s. 15, v. 4, p. 731.

SEC. 2114. 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 twenty-eighth, eighteen hundred and thirty, "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.

General superintendence by the President over tribes removed west of the Mississippi.

28 May, 1830, c. 148, ss. 7, 8, v. 4, p. 412.

Survey of Indian reservations.

8 April, 1864, c. 48, s. 6, v. 13, p. 41.

Purchases or grants from Indians.

30 June, 1834, c. 161, s. 12, v. 4, p. 730.

Johnson's Lessee vs. McIntosh, 8 Wh., 543.

Driving stock to feed on Indian lands.

30 June, 1834, c. 161, s. 9, v. 4, p. 730.

Settling on or surveying lands belonging to Indians by treaty.

30 June, 1834, c. 161, s. 11, v. 4, p. 730.

Worcester vs. Georgia, 6 Pet., 515; *Clark vs. Smith*, 13

Protection of Indians desiring civilized life.

14 June, 1862, c. 101, s. 1, v. 12, p. 427.

Indians trespassing upon lands of civilized Indians.

14 June, 1862, c. 101, s. 2, v. 12, p. 427.

Suspension of chief for trespass.

14 June, 1862, c. 101, s. 3, v. 12, p. 427.

SEC. 2115. 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 General Land-Office, and as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed.

SEC. 2116. 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 one thousand dollars. 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.

SEC. 2117. 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 one dollar for each animal of such stock.

SEC. 2118. 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 one thousand dollars. The President may, moreover, take such measures and employ such military force as may judge necessary to remove any such person from the lands.

Pet., 195; *Lattimer vs. Poteet*, 14 Pet., 4; *Lowry vs. Weaver*, 4 Mc-

SEC. 2119. 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.

SEC. 2120. Whenever any person of Indian blood belonging to a band or tribe which receives or is entitled to receive annuities from the United States, and who has not adopted the habits and customs of civilized life, and received his lands in severalty by allotment, as mentioned in the preceding section, commits any trespass upon the lands or premises of any Indian who has so received his lands by allotment, the superintendent and agent of such band or tribe shall ascertain the damages resulting from such trespass, and the sum so ascertained shall be withheld from the payment next thereafter to be made, either to the band or tribe to which the party committing such trespass shall belong, as in the discretion of the superintendent he shall deem proper; and the sum so withheld shall, if the Secretary of the Interior approves, be paid over by the agent or superintendent to the party injured.

SEC. 2121. Whenever such trespasser as is mentioned in the preceding section is the chief or head-man of a band or tribe, the superintendent of Indian affairs in his district shall also suspend the trespasser from his office for three months, and shall during that time deprive him of all the benefits and emoluments connected therewith; but the chief or head-man may be sooner restored to his former standing if the superintendent shall so direct.

SEC. 2122. The Secretary of the Interior is authorized to cause all such buildings belonging to the United States, as have been, or hereafter shall be, erected for the use of their agents, teachers, farmers, mechanics, and other persons employed amongst the Indians, to be sold whenever the lands on which the same are erected have become the property of the United States, and are no longer necessary for such purposes.

Sale of buildings belonging to the United States.

3 March, 1843, c. 78, s. 1, v. 5, p. 611.

SEC. 2123. The Secretary of the Interior is authorized to cause to be sold, at his discretion, with each of such buildings as are mentioned in the preceding section, a quantity of land not exceeding one section; and on the payment of the consideration agreed for into the Treasury of the United States by the purchaser, the Secretary shall make, execute, and deliver to the purchaser a title in fee-simple for such lands and tenements.

Sale of lands with buildings.

3 March, 1843, c. 78, s. 2, v. 5, p. 611.

SEC. 2124. All penalties which shall accrue under this Title 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.

Penalties, how recovered.

30 June, 1834, c. 161, s. 27, v. 4, p. 733.

SEC. 2125. When goods or other property shall be seized for any violation of this Title, 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.

Proceedings against goods.

30 June, 1834, c. 161, s. 28, v. 4, p. 734.

SEC. 2126. 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.

Burden of proof.

30 June, 1834, c. 161, s. 22, v. 4, p. 733.

CHAPTER FOUR.

GOVERNMENT OF INDIAN COUNTRY.

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2140. Powers of superintendents, &c., to search for concealed liquors.
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2155. Payment where the offender is unable.
2156. Injuries to property by Indians.
2157. Superintendents authorized to take depositions.

SEC. 2127. The agent of each tribe of Indians, lawfully residing in the Indian country, is authorized to sell for the benefit of such Indians any

Sale of cattle, &c., of the Indians by agents.