

ber 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.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Act Sept. 13, 1950, ch. 947, §2, 64 Stat. 846, 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 Repealed.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 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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see act June 25, 1948, ch. 645, §20, 62 Stat. 862.

§ 251. Repealed. Pub. L. 115-304, §1, Dec. 11, 2018, 132 Stat. 4401

Section, R.S. §2141, established a penalty of \$1,000 for setting up or continuing a distillery for manufacturing ardent spirits and mandated the destruction of the distillery.

Statutory Notes and Related Subsidiaries

NO EFFECT ON TAXATION OR STATE AUTHORITY TO REGULATE ALCOHOL WITHIN STATE BORDERS

Pub. L. 115-304, §2, Dec. 11, 2018, 132 Stat. 4401, provided that:

"(a) NO EFFECT ON TAXATION.—Nothing in section 1 [repealing this section] or the repeal made by section 1 shall affect State or Federal taxation.

"(b) STATE AUTHORITY UNAFFECTED.—Nothing in section 1 or the repeal made by section 1 shall diminish, enlarge, or otherwise affect a State's authority to regulate the importation and sale of alcoholic beverages within its own borders, including State authority over the manufacture, distribution, transportation, or sale of intoxicating liquors."

§ 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 former 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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see act June 25, 1948, ch. 645, §20, 62 Stat. 862.

§ 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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see act June 25, 1948, ch. 645, §20, 62 Stat. 862.

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.)

Executive Documents

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.)

Editorial Notes

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.

Executive Documents

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.)

Editorial Notes

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.)

Editorial Notes

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.

Executive Documents

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. Repealed.
- 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 to 285. Repealed or Omitted.
- 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.