

§ 1451. Rights of Indians not impaired; boundaries

Nothing in title 23 of the Revised Statutes shall be construed to impair the rights of person or property pertaining to the Indians in any Territory, so long as such rights remain unextinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without the consent of such tribe, embraced within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of any Territory now or hereafter organized until such tribe signifies its assent to the President to be embraced within a particular Territory. As used herein, the term “Territory” does not include the Virgin Islands, Puerto Rico, American Samoa, Guam, or the Northern Mariana Islands.

(R.S. §1839; Pub. L. 98–213, §15(a), Dec. 8, 1983, 97 Stat. 1462.)

Editorial Notes**REFERENCES IN TEXT**

Title 23 of the Revised Statutes, referred to in text, was in the original “this Title”, meaning title XXIII of the Revised Statutes, consisting of R.S. §§1839 to 1976, and which, insofar as classified to the Code, is classified to sections 1451 to 1455, 1457 to 1460a, 1463, 1463a, 1465, 1467 to 1470, 1480, and 1482 to 1485 of this title and to sections 644 to 647, 649, and 655 to 657 of Title 16, Conservation. For complete classification of R.S. §§1839 to 1976 to the Code, see Tables.

CODIFICATION

R.S. §1839 derived from N.M., act Sept. 9, 1850, ch. 49, §2, 9 Stat. 447. Utah, act Sept. 9, 1850, ch. 51, §1, 9 Stat. 453. Wash., act Mar. 2, 1853, ch. 90, §1, 10 Stat. 172. Colo., act Feb. 28, 1861, ch. 59, §1, 12 Stat. 172. Dak., act Mar. 2, 1861, ch. 86, §1, 12 Stat. 239. Ariz., act Feb. 24, 1863, ch. 56, §1, 12 Stat. 664. Idaho, act Mar. 3, 1863, ch. 117, §1, 12 Stat. 808. Mont., act May 26, 1864, ch. 95, §1, 13 Stat. 85. Wyo., act July 25, 1868, ch. 235, §1, 15 Stat. 178.

AMENDMENTS

1983—Pub. L. 98–213 inserted provisions excluding from the term “Territory” the Virgin Islands, Puerto Rico, American Samoa, Guam, or the Northern Mariana Islands.

§ 1452. Regulation of Indians

Nor shall anything in title 23 of the Revised Statutes be construed to affect the authority of the United States to make any regulations respecting the Indians of any Territory, their lands, property, or rights, by treaty, law, or otherwise, in the same manner as might be made if no temporary government existed, or is hereafter established, in any such Territory. As used herein, the term “Territory” does not include the Virgin Islands, Puerto Rico, American Samoa, Guam, or the Northern Mariana Islands.

(R.S. §1840; Pub. L. 98–213, §15(b), Dec. 8, 1983, 97 Stat. 1462.)

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AMENDMENTS

1983—Pub. L. 98–213 inserted provisions excluding from the term “Territory” the Virgin Islands, Puerto Rico, American Samoa, Guam, or the Northern Mariana Islands.

§§ 1453 to 1455. Repealed. Pub. L. 98–213, §16(c)–(f), Dec. 8, 1983, 97 Stat. 1462

Section 1453, R.S. §1841, related to powers, duties and term of office of governor of each Territory, in whom the executive power was vested.

Section 1453a, R.S. §1873, related to temporary definition by proclamation, by governor, of judicial districts of such Territory, and assignment of judges appointed for such Territory to several districts as well as fixing of times and places for holding courts.

Section 1454, R.S. §1843, related to appointment and term of office of Secretary appointed for each Territory, and duties in case of death, removal, resignation or absence of governor from Territory.

Section 1455, R.S. §1844, related to duties of secretary regarding recordation, preservation, and publication of all laws and proceedings of legislative assembly and governor in executive department.

§ 1456. Repealed. Sept. 12, 1950, ch. 946, title III, §301(106), 64 Stat. 844

Section, acts June 20, 1874, ch. 328, §1, 18 Stat. 99; June 10, 1921, ch. 18, §215, 42 Stat. 23, made it duty of secretary of each Territory to furnish annual estimates for expenses to Secretary of the Treasury.

§§ 1457 to 1469–1. Repealed. Pub. L. 98–213, §16(a), (g)–(u), Dec. 8, 1983, 97 Stat. 1462, 1463

Section 1457, R.S. §1855, prohibited making or enforcement of any law of any Territorial legislature by which the governor, secretary or members or officers of any Territorial legislature are paid any compensation other than that provided by the laws of the United States.

Section 1458, R.S. §1857, related to appointment or election of all township, district and county officers, except justices of the peace and general officers of the militia, and the appointment of all other officers by the governor, except in first instance where a new Territory is created, all officers to be appointed by the governor.

Section 1459, R.S. §1858, related to filling of vacancies, during recess of legislative council, of offices which, under organic act of any Territory, were required to be filled by governor with the advice and consent of such council.

Section 1460, R.S. §1860; Mar. 3, 1883, ch. 134, 22 Stat. 567; July 31, 1939, ch. 399, 53 Stat. 1143, related to qualification of voters at all elections subsequent to first election, in any newly created Territory, as well as at all elections in Territories already organized.

Section 1460a, R.S. §1854; Feb. 22, 1889, ch. 180, 25 Stat. 676; Nov. 11, 1889, No. 8, 26 Stat. 1552, 1553, restricted a