

“(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 Repealed.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 Repealed.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.)