

**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.

“Bureau of Land Management” substituted in text for “General Land Office” pursuant to section 403 of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, which established the Bureau and transferred thereto the powers and duties of the General Land Office.

**§ 177. Purchases or grants of lands from Indians**

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 \$1,000. 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.

(R.S. §2116.)

**Editorial Notes**

## CODIFICATION

R.S. §2116 derived from act June 30, 1834, ch. 161, §12, 4 Stat. 730.

**§ 178. Fees on behalf of Indian parties in contests under public land laws**

In contests initiated by or against Indians, to an entry, filing or other claims, under the laws of Congress relating to public lands for any sufficient cause affecting the legality or validity of the entry, filing or claim, the fees to be paid by and on behalf of the Indian party in any case shall be one-half of the fees provided by law in such cases, and said fees shall be paid by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, on an account stated by the proper land officers through the Secretary of the Interior or such officer as he may designate.

(Mar. 3, 1893, ch. 209, §1, 27 Stat. 631; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

**Executive Documents**

## TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with cer-

tain 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.

“Secretary of the Interior or such officer as he may designate” substituted in text for “Commissioner of the General Land Office” on authority of section 403(d) and (e) of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, which abolished office of Commissioner of General Land Office and transferred functions of General Land Office to Secretary of the Interior or such officers and agencies of Department of the Interior as he may designate.

**§ 179. Driving stock to feed on lands**

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 \$1 for each animal of such stock. This section shall not apply to Creek lands.

(R.S. §2117; Mar. 1, 1901, ch. 676, §37, 31 Stat. 871; June 30, 1902, ch. 1323, §17, 32 Stat. 504.)

**Editorial Notes**

## CODIFICATION

R.S. §2117 derived from act June 30, 1834, ch. 161, §9, 4 Stat. 730.

**§ 180. Settling on or surveying lands belonging to Indians by treaty**

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 \$1,000. The President may, moreover, take such measures and employ such military force as he may judge necessary to remove any such person from the lands.

(R.S. §2118.)

**Editorial Notes**

## CODIFICATION

R.S. §2118 derived from act June 30, 1834, ch. 161, §11, 4 Stat. 730.

**§ 181. Rights of white men marrying Indian women; tribal property**

No white man, not otherwise a member of any tribe of Indians, who may after August 9, 1888, marry an Indian woman, member of any Indian tribe in the United States, or any of its Territories except the Five Civilized Tribes in the Indian Territory, shall by such marriage after August 9, 1888, acquire any right to any tribal property, privilege, or interest whatever to which any member of such tribe is entitled.

(Aug. 9, 1888, ch. 818, §1, 25 Stat. 392.)

**§ 182. Rights of Indian women marrying white men; tribal property**

Every Indian woman, member of any such tribe of Indians, who may be married after August 9, 1888, to any citizen of the United States,

is hereby declared to become by such marriage a citizen of the United States, with all the rights, privileges, and immunities of any such citizen, being a married woman: *Provided*, That nothing in sections 181 to 183 of this title contained shall impair or in any way affect the right or title of such married woman to any tribal property or any interest therein.

(Aug. 9, 1888, ch. 818, §2, 25 Stat. 392.)

**§ 183. Marriage of white men to Indian women; evidence**

Whenever the marriage of any white man with any Indian woman, a member of any such tribe of Indians, is required or offered to be proved in any judicial proceeding, evidence of the admission of such fact by the party against whom the proceeding is had, or evidence of general repute, or of cohabitation as married persons, or any other circumstantial or presumptive evidence from which the fact may be inferred, shall be competent.

(Aug. 9, 1888, ch. 818, §3, 25 Stat. 392.)

**§ 184. Rights of children born of marriages between white men and Indian women**

All children born of a marriage solemnized prior to June 7, 1897, between a white man and an Indian woman by blood and not by adoption, where said Indian woman was on that date, or was at the time of her death, recognized by the tribe, shall have the same rights and privileges to the property of the tribe to which the mother belongs, or belonged at the time of her death, by blood, as any other member of the tribe, and no prior Act of Congress shall be construed as to debar such child of such right.

(June 7, 1897, ch. 3, 30 Stat. 90.)

**§ 185. Protection of Indians desiring civilized life**

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.

(R.S. §2119.)

**Editorial Notes**

CODIFICATION

R.S. §2119 derived from act June 14, 1862, ch. 101, §1, 12 Stat. 427.

**Statutory Notes and Related Subsidiaries**

INDIAN AGENTS

The services of Indian agents have been dispensed with. See note set out under section 64 of this title.

**Executive Documents**

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with cer-

tain 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.

**§ 186. Repealed. May 21, 1934, ch. 321, 48 Stat. 787**

Section, R.S. §2120, related to trespassing on lands of civilized Indians.

**§ 187. Omitted**

**Editorial Notes**

CODIFICATION

Section, R.S. §2121, which directed the Superintendent of Indian Affairs to suspend a trespasser (as described in section 186 of this title) who is the chief or headman of a band or tribe from his office for 3 months and to deprive him of all benefits and emoluments of such office during that time but allowed the Superintendent to restore him to his office sooner if the Superintendent should so decide, was omitted in view of the repeal of section 186 of this title.

**§§ 188, 189. Repealed. Oct. 31, 1951, ch. 654, §1(49), (50), 65 Stat. 703**

Section 188, R.S. §2122, related to sale of buildings belonging to United States.

Section 189, R.S. §2123, related to sale of lands with buildings.

**§ 190. Sale of plants or tracts not needed for administrative or allotment purposes**

Subject to applicable regulations under chapters 1 to 11 of title 40 and division C (except sections 3302, 3306(f), 3307(e), 3501(b), 3509, 3906, 4104, 4710, and 4711) of subtitle I of title 41, the Secretary of the Interior is authorized in his discretion to sell and convey by deed or patent, under such terms and conditions as he may prescribe, at not less than their appraised value, non-reservation Government tracts or plants or tribal administrative plants or reserves, or parts thereof, not exceeding forty acres in area and not exceeding \$2,000 in value, not longer needed for Indian administrative or allotment purposes, and small unallotted tracts not exceeding forty acres, where a sale will serve the tribal interests. All sales made under this section shall be at public auction, to the highest and best bidder.

And the Secretary of the Interior is further authorized, where a tract to be disposed of under this section or any other Act authorizing the disposition of tribal lands requires survey as basis for a deed or patent, to accept from the grantee, in addition to the purchase price, an amount sufficient to cover the survey costs.

The net proceeds of sale of any tribal site, plant, or tract shall be deposited in the Treasury of the United States to the credit of the Indians owning the same, to be disposed of for their benefit in accordance with existing law.

(Apr. 12, 1924, ch. 93, 43 Stat. 93; Oct. 31, 1951, ch. 654, §2(16), 65 Stat. 707.)

**Editorial Notes**

CODIFICATION

In text, "chapters 1 to 11 of title 40 and division C (except sections 3302, 3306(f), 3307(e), 3501(b), 3509, 3906, 4104, 4710, and 4711) of subtitle I of title 41" substituted for