

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.

§ 231. Enforcement of State laws affecting health and education; entry of State employees on Indian lands

The Secretary of the Interior, under such rules and regulations as he may prescribe, shall permit the agents and employees of any State to enter upon Indian tribal lands, reservations, or allotments therein (1) for the purpose of making inspection of health and educational conditions and enforcing sanitation and quarantine regulations or (2) to enforce the penalties of State compulsory school attendance laws against Indian children, and parents, or other persons in loco parentis except that this subparagraph (2) shall not apply to Indians of any tribe in which a duly constituted governing body exists until such body has adopted a resolution consenting to such application.

(Feb. 15, 1929, ch. 216, 45 Stat. 1185; Aug. 9, 1946, ch. 930, 60 Stat. 962.)

Editorial Notes

AMENDMENTS

1946—Act Aug. 9, 1946, permitted proper State officers to invoke penalties of State compulsory school attendance against Indian children, their parents, or other persons in loco parentis.

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§ 232. Jurisdiction of New York State over offenses committed on reservations within State

The State of New York shall have jurisdiction over offenses committed by or against Indians on Indian reservations within the State of New York to the same extent as the courts of the State have jurisdiction over offenses committed elsewhere within the State as defined by the laws of the State: *Provided*, That nothing contained in this section shall be construed to deprive any Indian tribe, band, or community, or members thereof,¹ hunting and fishing rights as guaranteed them by agreement, treaty, or custom, nor require them to obtain State fish and game licenses for the exercise of such rights.

(July 2, 1948, ch. 809, 62 Stat. 1224.)

¹ So in original. Probably should be followed by "of".

§ 233. Jurisdiction of New York State courts in civil actions

The courts of the State of New York under the laws of such State shall have jurisdiction in civil actions and proceedings between Indians or between one or more Indians and any other person or persons to the same extent as the courts of the State shall have jurisdiction in other civil actions and proceedings, as now or hereafter defined by the laws of such State: *Provided*, That the governing body of any recognized tribe of Indians in the State of New York shall have the right to declare, by appropriate enactment prior to September 13, 1952, those tribal laws and customs which they desire to preserve, which, on certification to the Secretary of the Interior by the governing body of such tribe shall be published in the Federal Register and thereafter shall govern in all civil cases involving reservation Indians when the subject matter of such tribal laws and customs is involved or at issue, but nothing herein contained shall be construed to prevent such courts from recognizing and giving effect to any tribal law or custom which may be proven to the satisfaction of such courts: *Provided further*, That nothing in this section shall be construed to require any such tribe or the members thereof to obtain fish and game licenses from the State of New York for the exercise of any hunting and fishing rights provided for such Indians under any agreement, treaty, or custom: *Provided further*, That nothing herein contained shall be construed as subjecting the lands within any Indian reservation in the State of New York to taxation for State or local purposes, nor as subjecting any such lands, or any Federal or State annuity in favor of Indians or Indian tribes, to execution on any judgment rendered in the State courts, except in the enforcement of a judgment in a suit by one tribal member 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.)

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§ 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.