

**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.

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**§§ 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 Repealed.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**

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- 304a. Study and investigation of Indian education in United States and Alaska; contracts; report to Congress; appropriations.

Sec.  
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### § 271. Employment of instructors for Indians

The President may, in every case where he shall judge improvement in the habits and condition of such Indians practicable, and that the means of instruction can be introduced with their own consent, employ capable persons of good moral character to instruct them in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined according to such instructions and rules as the President may give and prescribe for the regulation of their conduct, in the discharge of their duties. A report of the proceedings adopted in the execution of this provision shall be annually laid before Congress.

(R.S. § 2071.)

#### Editorial Notes

##### CODIFICATION

R.S. § 2071 derived from act Mar. 3, 1819, ch. 85, 3 Stat. 516.

### § 272. Superintendent of Indian schools

There shall be appointed by the President, by and with the advice and consent of the Senate, a person of knowledge and experience in the management, training, and practical education of children, to be Superintendent of Indian Schools, whose duty it shall be to visit and inspect the schools in which Indians are taught in whole or in part from appropriations from the United States Treasury, and report to the Commissioner of Indian Affairs, what, in his judgment, are the defects, if any, in any of them, in system, in administration, or in means for the most effective advancement of the pupils therein toward civilization and self-support, and what changes are needed to remedy such defects as may exist, and to perform such other duties in connection with Indian schools as may be prescribed by the Secretary of the Interior.

(Mar. 2, 1889, ch. 412, § 10, 25 Stat. 1003.)

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### § 272a. Other duties

The Superintendent of Indian schools shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.

(Mar. 3, 1905, ch. 1479, § 1, 33 Stat. 1049.)

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### § 273. Detail of Army officer

The Secretary of the Army shall be authorized to detail an officer of the Army, not above the rank of captain, for special duty with reference to Indian education.

(June 23, 1879, ch. 35, § 7, 21 Stat. 35; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

### § 274. Employment of Indian girls and boys as assistants

The Commissioner of Indian Affairs shall employ Indian girls as assistant matrons and Indian boys as farmers and industrial teachers in all Indian schools when it is practicable to do so.

(June 7, 1897, ch. 3, § 1, 30 Stat. 83.)

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### § 275. Leaves of absence to employees

On and after August 24, 1912 teachers in schools operated by the Bureau of Indian Affairs may be allowed, in addition to annual leave, educational leave not to exceed thirty workdays per calendar year, or sixty workdays in every alternate year, for attendance at educational gatherings, conventions, institutions, or training schools, if the interest of the Government requires, under such regulations as the Secretary of the Interior may prescribe; and no additional salary or expense on account of such leave of absence shall be incurred.

(Aug. 24, 1912, ch. 388, § 1, 37 Stat. 519; Aug. 24, 1922, ch. 286, 42 Stat. 829; May 8, 1928, ch. 510, 45 Stat. 493; Pub. L. 85-89, July 10, 1957, 71 Stat. 282.)

#### Editorial Notes

##### AMENDMENTS

1957—Pub. L. 85-89 substituted "Teachers in schools operated by the Bureau of Indian Affairs" for "Teachers of the Indian schools and physicians of the Indian Service".