

TITLE XXVIII.

INDIANS.

CHAPTER ONE.

OFFICERS OF INDIAN AFFAIRS; THEIR DUTIES AND COMPENSATION.

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SEC. 2039. There shall be a board of Indian commissioners, composed of not more than ten persons, appointed by the President solely, from men eminent for intelligence and philanthropy, and who shall serve without pecuniary compensation.

Board of Indian commissioners.

10 April, 1869, c. 16, s. 4, v. 16, p. 40.
15 July, 1870, c. 296, s. 3, v. 16, p. 360.

SEC. 2040. The board of commissioners mentioned in the preceding section shall have power to appoint one of their own number as secretary, who shall be entitled to such reasonable compensation as the board may designate, payable from any moneys appropriated for the expenses of the board.

Secretary to the commissioners.

15 July, 1870, c. 296, s. 3, v. 16, p. 360.

SEC. 2041. The board of commissioners mentioned in section two thousand and thirty-nine shall supervise all expenditures of money appropriated for the benefit of Indians within the limits of the United States; and shall inspect all goods purchased for Indians, in connection with the Commissioner of Indian Affairs, whose duty it shall be to consult the commission in making purchases of such goods.

Duties of the commissioners.

15 July, 1870, c. 296, s. 3, v. 16, p. 360.

22 June, 1874, c. 389, v. 18, p. 176.

15 Aug., 1876, c. 289, s. 6, v. 19, p. 200.

SEC. 2042. Any member of the board of Indian commissioners is empowered to investigate all contracts, expenditures, and accounts in connection with the Indian service, and shall have access to all books and papers relating thereto in any Government office; but the examination of

Power to investigate contracts.

29 May, 1872, c. 233, s. 1, v. 17, p. 186.

vouchers and accounts by the executive committee of said board shall not be a prerequisite of payment.

Appointment of Indian inspectors; term of office.

14 Feb., 1873, c. 138, s. 6, v. 17, p. 463.

3 Mar., 1875, c. 132, v. 18, p. 422.

Salary and expenses.

Ibid.

Powers and duties of inspectors.

Ibid.

3 Mar., 1875, c. 132, ss. 1, 4, 5, v. 18, pp. 422, 449.

SEC. 2043. There shall be appointed by the President, by and with the advice and consent of the Senate, a sufficient number of Indian inspectors, not exceeding five in number, to perform the duties required of such inspectors by the provisions of this Title. Each inspector shall hold his office for four years, unless sooner removed by the President.

SEC. 2044. Each inspector shall receive an annual salary of three thousand dollars and his necessary traveling expenses, not exceeding ten cents a mile for actual travel while in the discharge of his duty, a statement of which expenses as to each inspector shall accompany the annual report of the Secretary of the Interior.

SEC. 2045. Each Indian superintendency and agency shall be visited and examined as often as twice a year by one or more of the inspectors. Such examination shall extend to a full investigation of all matters pertaining to the business of the superintendency or agency, including an examination of accounts, the manner of expending money, the number of Indians provided for, contracts of all kinds connected with the business, the condition of the Indians, their advancement in civilization, the extent of the reservations, and what use is made of the lands set apart for that purpose, and, generally, all matters pertaining to the Indian service. For the purpose of making such investigations, each inspector shall have power to examine all books, papers, and vouchers, to administer oaths, and to examine on oath all officers and persons employed in the superintendency or agency, and all such other persons as he may deem necessary or proper. The inspectors, or any of them, shall have power to suspend any superintendent or agent or employé, and to designate some person in his place temporarily, subject to the approval of the President, making immediate report of such suspension and designation; and upon the conclusion of each examination a report shall be forwarded to the President without delay. The inspectors, in the discharge of their duties, jointly and individually, shall have power, by proper legal proceedings, which it shall be the duty of the district attorney of the United States for the appropriate district duly to effectuate, to enforce the laws, and to prevent the violation of law in the administration of affairs in the several agencies and superintendencies. So far as practicable, the examinations of the agencies and superintendencies shall be made alternately by different inspectors, so that the same agency or superintendency may not be examined twice in succession by the same inspector or inspectors.

Superintendents, appointment, and salaries.

5 June, 1850, c.

16, s. 2, v. 9, p. 437.

27 Feb., 1851, c.

14, s. 2, v. 9, p. 586.

3 Mar., 1857, c.

90, s. 3, v. 11, p. 185.

8 Feb., 1861, c. 30,

s. 1, v. 12, p. 130.

8 April, 1864, c.

48, s. 1, v. 13, p. 39.

14 Feb., 1873, c.

138, s. 1, v. 17, p.

437.

SEC. 2046. The President is authorized to appoint, from time to time, by and with the advice and consent of the Senate, the following superintendents of Indian affairs, who shall be entitled to receive the salaries mentioned below:

Two superintendents for the tribes east of the Rocky Mountains, at a salary of two thousand dollars a year, each.

One superintendent for Oregon, at a salary of two thousand five hundred dollars a year.

One superintendent for Washington Territory, at a salary of two thousand five hundred dollars a year.

One superintendent for the Territory of New Mexico, at a salary of two thousand dollars a year.

One superintendent for California, at a salary of three thousand six hundred dollars a year.

One superintendent for the Territory of Arizona, at a salary of two thousand dollars a year.

One superintendent for the Territory of Montana, at a salary of two thousand five hundred dollars a year.

Foursuperintendents abolished, assignment, &c., of those retained.

SEC. 2047. After the thirtieth of June, eighteen hundred and seventy-three, the offices of four of the superintendents enumerated in the preceding section are abolished; and any money appropriated for the sala-

ries of such superintendents or their clerks, shall, after that date, be applied to pay the salaries and traveling expenses of the inspectors. The President may assign the remaining four superintendents to jurisdiction over such agencies as he may deem proper; or he is authorized, in his discretion, to dispense with any or all of the superintendents and their clerks.

SEC. 2048. Each superintendent shall hold his office for the term of four years.

SEC. 2049. Each superintendent, before entering on the duties of his office, shall give bond in such penalties and with such security as the President or the Secretary of the Interior may require.

SEC. 2050. Each superintendent of Indian affairs shall, within his superintendency, exercise a general supervision and control over the official conduct and accounts of all officers and persons employed by the Government in Indian affairs, under such regulations as shall be established by the President; and may suspend such officers and persons from their offices or employments, for reasons forthwith to be communicated to the Secretary of the Interior, and shall also perform within his superintendency such duties as are or may be assigned to superintendents of Indian affairs.

SEC. 2051. The Secretary of the Interior may authorize, in his discretion, the employment of temporary clerks by superintendents of Indian affairs, on such occasions and for such periods of time as he may deem necessary to the public service.

SEC. 2052. The President is authorized to appoint from time to time, by and with the advice and consent of the Senate, the following Indian agents:

Three for the tribes in Oregon.

Fourteen for the tribes east of the Rocky Mountains, and north of New Mexico and Texas.

Seven for the tribes in New Mexico.

Three for the tribes in the Territory of Washington.

One for the tribes in Kansas.

One for the Kickapoos.

One for the Delawares.

Two for the tribes in Utah.

One for the Poncas.

One for the Pawnees in Nebraska, each with an annual salary of fifteen hundred dollars.

Four for the tribes in California, at an annual salary of eighteen hundred dollars, each.

Three for the tribes in Texas.

One for the Wichitas and neighboring tribes west of the Choctaws and Chickasaws, at an annual salary of one thousand dollars.

SEC. 2053. It shall be the duty of the President to dispense with the services of such Indian agents and superintendents as may be practicable; and where it is practicable he shall require the same person to perform the duties of two agencies or superintendencies for one salary.

22 June, 1874, c. 389, r. 18, p. 147. 22 June, 1874, c. 389, r. 18, p. 177.

SEC. 2054. Whenever any one or more of the superintendencies is abolished by law, or discontinued by the President, the Indian agents in such superintendencies shall report directly to the Commissioner of Indian affairs.

15 July, 1870, c. 296, s. 6, v. 16, p. 360.

SEC. 2055. Each Indian agent shall be entitled to receive a salary at the rate of fifteen hundred dollars a year [except as herein otherwise provided for.]

Salary of Indian agents.
14 Feb., 1873, c. 138, s. 1, v. 17, p. 438. 27 Feb., 1877, c. 69, r. 19, p. 244.

SEC. 2056. Each Indian agent shall hold his office for the term of four years.

Term of office.
27 Feb., 1851, c. 14, s. 6, v. 9, p. 587. 8 April, 1864, c. 48, s. 4, v. 13, p. 40.

14 Feb., 1873, c. 138, s. 6, v. 17, p. 483.

Term of office.
27 Feb., 1851, c. 14, s. 6, v. 9, p. 587.
Bond.
Ibid.

Duties of superintendents.
30 June, 1834, c. 162, s. 3, v. 4, p. 735.
27 Feb., 1851, c. 14, s. 2, v. 9, p. 586.

Temporary clerks for superintendents.
3 Mar., 1855, c. 175, s. 22, v. 10, p. 673.
Indian agents appointments, salaries.

14 Feb., 1873, c. 138, s. 1, v. 17, p. 437.
22 June, 1874, c. 389, v. 18, p. 147.

Services of certain agents and superintendents to be dispensed with.
Ibid., p. 438.

Indian agents to report to Commissioner in certain cases.

- Bond of Indian agents.** SEC. 2057. Each Indian agent, before entering upon the duties of his office, shall give bond in such penalties and with such security as the President or the Secretary of the Interior may require.
27 Feb., 1851, c. 14, s. 6, v. 9, p. 587. 3 Mar., 1875, c. 132, s. 10, v. 18, p. 451.
- Duties of Indian agents.** SEC. 2058. Each Indian agent shall, within his agency, manage and superintend the intercourse with the Indians, agreeably to law; and execute and perform such regulations and duties, not inconsistent with law, as may be prescribed by the President, the Secretary of the Interior, the Commissioner of Indian Affairs, or the superintendent of Indian affairs.
30 June, 1834, c. 162, s. 7, v. 4, p. 736.
5 June, 1850, c. 16, s. 4, v. 9, p. 736.
27 Feb., 1851, c. 14, s. 5, v. 9, p. 587. 3 Mar., 1875, c. 132, ss. 4, 5, 10, v. 18, pp. 449, 451.—*Minis v. U. S.*, 15 Pet., 423.
- Discontinuance and transfer of agencies.** SEC. 2059. The President shall, whenever he may judge it expedient, discontinue any Indian agency, or transfer the same, from the place or tribe designated by law, to such other place or tribe as the public service may require.
30 June, 1834, c. 162, s. 4, v. 4, p. 735.
- Residence of Indian agents.** SEC. 2060. Every Indian agent shall reside and keep his agency within or near the territory of the tribe for which he may be agent, and at such place as the President may designate, and shall not depart from the limits of his agency without permission.
Ibid.
- Limitation on visits to Washington by agents for Indians in California.** SEC. 2061. All Indian agents appointed for California shall reside at their respective agencies, and shall in no case be permitted to visit the city of Washington except when ordered to do so by the Commissioner of Indian Affairs. The Commissioner shall report all cases of the violation of this section to the President, with the request that the agents offending be at once removed from office.
8 Apr., 1864, c. 48, s. 7, v. 13, p. 41.
- Officers of the Army may be required to act as Indian agents.** SEC. 2062. The President may require any military officer of the United States to execute the duties of an Indian agent; and when such duties are required of any military officer, he shall perform the same without any other compensation than his actual traveling expenses. [See § 1224.]
30 June, 1834, c. 162, ss. 4, 12, v. 4, pp. 735-737.
- Compensation for extra services performed by agents and sub-agents.** SEC. 2063. No compensation beyond their actual expenses for extra services shall be allowed any Indian agent or sub-agent for services when doing duty under the order of the Government, detached from their agency and the boundary of the tribe to which they are agents or sub-agents.
31 May, 1832, c. 109, s. 2, v. 4, p. 520.
- Acknowledgment of deeds, &c., by agents.** SEC. 2064. Indian agents are authorized to take acknowledgments of deeds, and other instruments of writing, and to administer oaths in investigations committed to them in Indian country, pursuant to such rules and regulations as may be prescribed for that purpose, by the Secretary of the Interior; and acknowledgments so taken shall have the same effect as if taken before a justice of the peace.
3 Mar., 1855, c. 204, s. 10, v. 10, p. 701.
- Appointment of sub-Indian agents.** SEC. 2065. A competent number of sub-Indian agents shall be appointed by the President, with a salary of one thousand dollars a year each, to be employed, and to reside wherever the President may direct, and who shall give bonds, with one or more sureties, in the penal sum of one thousand dollars, for the faithful execution of their duties. But no sub-agent shall be appointed who shall reside within the limits of any agency where there is an agent appointed.
30 June, 1834, c. 162, s. 5, v. 4, p. 736.
- Limits of superintendencies, agencies, and sub-agencies.** SEC. 2066. The limits of each superintendency, agency, and sub-agency shall be established by the Secretary of the Interior, either by tribes or geographical boundaries.
30 June, 1834, c. 162, s. 7, v. 4, p. 736. 3 Mar., 1847, c. 66, s. 1, v. 9, p. 203.
- Special agents and commissioners.** SEC. 2067. All special agents and commissioners not appointed by the President shall be appointed by the Secretary of the Interior.
3 Mar., 1863, c. 99, s. 1, v. 12, p. 792.
- Interpreters to the agencies.** SEC. 2068. An interpreter shall be allowed to each agency. Where there are different tribes in the same agency, speaking different languages, one interpreter may be allowed, at the discretion of the Secretary of the Interior, for each of such tribes. Interpreters shall be nomi-
- 30 June, 1834, c. 162, s. 9, v. 4, p. 737.

nated, by the proper agents, to the Department of the Interior for approval, and may be suspended by the agent from pay and duty, and the circumstances reported to the Department of the Interior for final action.

SEC. 2069. In all cases of the appointments of interpreters or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found, who are properly qualified for the execution of the duties.

SEC. 2070. The salaries of interpreters lawfully employed in the service of the United States, in Oregon, Utah, and New Mexico, shall be five hundred dollars a year each, and of all so employed elsewhere, four hundred dollars a year each.

SEC. 2071. 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.

SEC. 2072. Where any of the tribes are, in the opinion of the Secretary of the Interior, competent to direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them, the direction of such persons may be given to the proper authority of the tribe.

SEC. 2073. The Secretary of the Interior shall, under the direction of the President, cause to be discontinued the services of such [agents,] sub-agents, interpreters, and mechanics, as may from time to time become unnecessary, in consequence of the [*immigration*] [emigration] of the Indians, or other causes.

SEC. 2074. No person shall hold more than one office at the same time under this Title, nor shall any agent, sub-agent, interpreter, or person employed under this Title, receive his salary while absent from his agency or employment, without leave of the superintendent, or Secretary of the Interior; but such absence shall at no time exceed sixty days.

SEC. 2075. The President may, from time to time, require additional security, and in larger amounts, from all persons charged or trusted, under the laws of the United States, with the disbursement or application of money, goods, or effects of any kind, on account of Indian affairs.

SEC. 2076. The several compensations prescribed by this Title shall be in full of all emoluments or allowances whatsoever. But where necessary, a reasonable allowance or provision may be made for offices and office contingencies.

SEC. 2077. Where persons are required, in the performance of their duties, under this Title, to travel from one place to another, their actual expenses, or a reasonable sum in lieu thereof, may be allowed them, except that no allowance shall be made to any person for travel or expenses in coming to the seat of Government to settle his accounts, unless thereto required by the Secretary of the Interior.

SEC. 2078. No person employed in Indian affairs shall have any interest or concern in any trade with the Indians, except for, and on account of, the United States; and any person offending herein, shall be liable to a penalty of five thousand dollars, and shall be removed from his office.

Preference to Indians for interpreters.

30 June, 1834, c. 162, s. 9, v. 4, p. 737.

Salaries of interpreters.

27 Feb., 1851, c. 14, s. 8, v. 9, p. 587.

14 Feb., 1873, c. 138, s. 1, v. 17, p. 437.

Instruction of Indians.

3 Mar., 1819, c. 85, v. 3, p. 516.

When tribes may direct the employment of blacksmiths, &c.

30 June, 1834, c. 162, s. 9, v. 4, p. 737.

Discontinuance of the offices of sub-agents, interpreters, &c.

9 July, 1832, c. 174, s. 5, v. 4, p. 564.

27 Feb., 1877, c. 69, v. 19, p. 244.

No person to hold two offices; leave of absence.

30 June, 1834, c. 162, s. 10, v. 4, p. 737.

Additional security.

30 June, 1834, c. 162, s. 8, v. 4, p. 737.

Compensation prescribed to be in full.

30 June, 1834, c. 162, s. 10, v. 4, p. 737.

Allowance for traveling expenses.

30 June, 1834, c. 162, s. 10, v. 4, p. 737.

Minis r. U. S., 15 Pet., 423.

Persons employed in Indian affairs not to trade with the Indians.

30 June, 1834, c. 162, s. 14, v. 4, p. 738.

CHAPTER TWO.

PERFORMANCE OF ENGAGEMENTS BETWEEN THE UNITED STATES AND INDIANS.

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No future treaties with Indian tribes.

3 Mar., 1871, c. 120, s. 1, v. 16, p. 566.
 22 June, 1874, c. 389, s. 3, v. 18, p. 176.
 10 June, 1876, c. 122, v. 19, p. 58.

Abrogation of treaties.

5 July, 1862, c. 135, s. 1, v. 12, p. 528.

Payment of certain annuities in coin.

3 Mar., 1865, c. 127, s. 3, v. 13, p. 561.

Payment of annuities in goods.

30 June, 1834, c. 162, s. 12, v. 4, p. 737.

Purchase of goods for the Indians.

30 June, 1834, c. 162, s. 13, v. 4, p. 737.
 22 June, 1874, c. 389, v. 18, p. 176.
 3 Mar., 1875, c. 132, s. 7, v. 18, p. 450.
 15 Aug., 1876, c. 289, v. 19, p. 196.

Manner of purchase.

5 July, 1862, c. 135, s. 5, v. 12, p. 529.

Claims for supplies for Indians.

15 July, 1870, c. 296, s. 2, v. 16, p. 360.

SEC. 2079. No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March third, eighteen hundred and seventy-one, shall be hereby invalidated or impaired.

SEC. 2080. Whenever the tribal organization of any Indian tribe is in actual hostility to the United States, the President is authorized, by proclamation, to declare all treaties with such tribe abrogated by such tribe, if in his opinion the same can be done consistently with good faith and legal and national obligations.

SEC. 2081. The Secretary of the Treasury is authorized to pay in coin such of the annuities as by the terms of any treaty of the United States with any Indian tribe are required to be paid in coin.

SEC. 2082. The President may, at the request of any Indian tribe, to which any annuity is payable in money, cause the same to be paid in goods, purchased as provided in the next section.

SEC. 2083. All merchandise required by any Indian treaty for the Indians, payable after making of such treaty, shall be purchased under the direction of the Secretary of the Interior, upon proposals to be received, to be based on notices previously to be given; and all merchandise required at the making of any Indian treaty shall be purchased under the order of the Commissioner of Indian Affairs by such person as he shall appoint. All other purchases on account of the Indians, and all payments to them of money or goods, shall be made by such person as the President shall designate for that purpose.

SEC. 2084. No goods shall be purchased by the Office of Indian Affairs, or its agents, for any tribe, except upon the written requisition of the superintendent in charge of the tribe, and only upon public bids in the mode prescribed by the preceding section.

SEC. 2085. No claims for supplies for Indians, purchased without authority of law, shall be paid out of any appropriation for expenses of the Office of Indian Affairs, or for Indians.

SEC. 2086. The payment of all moneys and the distribution of all goods stipulated to be furnished to any Indians, or tribe of Indians, shall be made in one of the following ways, as the President or the Secretary of the Interior may direct:

First. To the chiefs of a tribe, for the tribe.

Second. In cases where the imperious interest of the tribe or the individuals intended to be benefited, or any treaty stipulation, requires the intervention of an agency, then to such person as the tribe shall appoint to receive such moneys or goods; or if several persons be appointed, then upon the joint order or receipt of such persons.

Third. To the heads of the families and to the individuals entitled to participate in the moneys or goods.

Fourth. By consent of the tribe, such moneys or goods may be applied directly, under such regulations, not inconsistent with treaty stipulations, as may be prescribed by the Secretary of the Interior, to such purposes as will best promote the happiness and prosperity of the members of the tribe, and will encourage able-bodied Indians in the habits of industry and peace.

SEC. 2087. No annuities, or moneys, or goods, shall be paid or distributed to Indians while they are under the influence of any description of intoxicating liquor, nor while there are good and sufficient reasons leading the officers or agents, whose duty it may be to make such payments or distribution, to believe that there is any species of intoxicating liquor within convenient reach of the Indians, nor until the chiefs and head-men of the tribe shall have pledged themselves to use all their influence and to make all proper exertions to prevent the introduction and sale of such liquor in their country.

SEC. 2088. The superintendent, agent, or sub-agent, together with such military officer as the President may direct, shall be present, and certify to the delivery of all goods and money required to be paid or delivered to the Indians.

SEC. 2089. At the discretion of the President all disbursements of moneys, whether for annuities or otherwise, to fulfill treaty stipulations with individual Indians or Indian tribes, shall be made in person by the superintendents of Indian affairs, where superintendencies exist, to all Indians or tribes within the limits of their respective superintendencies, in the presence of the local agents and interpreters, who shall witness the same, under such regulations as the Secretary of the Interior may direct.

SEC. 2090. Whenever goods and merchandise are delivered to the chiefs of a tribe, for the tribe such goods and merchandise shall be turned over by the agent or superintendent of such tribe to the chiefs in bulk, and in the original package, as nearly as practicable, and in the presence of the head-men of the tribe, if practicable, to be distributed to the tribe by the chiefs in such manner as the chiefs may deem best, in the presence of the agent or superintendent.

SEC. 2091. All persons whatsoever, charged or trusted with the disbursement or application of money, goods, or effects of any kind for the benefit of the Indians, shall settle their accounts, annually, at the Department of the Interior on the first day of October; and copies of the same shall be laid before Congress at the commencement of the ensuing session, by the proper accounting officers; together with a list of the names of all persons to whom money, goods, or effects have been delivered within the preceding year, for the benefit of the Indians, specifying the amount and object for which they were intended, and showing who are delinquents, if any, in forwarding their accounts according to the provisions of this section; and, also, with a list of the names of all persons appointed or employed under this Title, with the dates of their appointment or employment, and the salary and pay of each.

SEC. 2092. No superintendent of Indian affairs, or Indian agent, or other disbursing officer in such service, shall have advanced to him, on Indian or public account, any money to be disbursed in future, until

Modes of paying annuities and distributing goods.

30 June, 1834, c. 162, s. 11, v. 4, p. 737.

3 Mar., 1847, c. 66, s. 3, v. 9, p. 203.

30 Aug., 1852, c. 103, s. 3, v. 10, p. 56.

15 July, 1870, c. 296, ss. 2, 3, v. 16, p. 360.

3 Mar., 1875, c. 132, s. 6, v. 18, p. 450.

15 Aug., 1876, c. 289, v. 19, p. 196.

Withholding of annuities on account of intoxicating liquors.

3 Mar., 1847, c. 66, s. 3, v. 9, p. 203.

Persons to be present at delivery of annuities.

30 June, 1834, c. 162, s. 13, v. 4, p. 737.—*Minis v. U. S.*, 15 Pet., 423.

Mode of disbursements.

3 Mar., 1857, c. 90, s. 1, v. 11, p. 169.

Mode of distribution of goods.

10 April, 1869, c. 16, s. 2, v. 16, p. 39.

Annual accounts of disbursements, &c.

30 June, 1834, c. 162, s. 13, v. 4, p. 737.

3 Mar., 1875, c. 132, s. 8, v. 18, p. 450.

Restriction on advances to superintendents, &c.

27 June, 1846, c. 34, s. 1, v. 9, p. 20. such superintendent, agent, or officer in such service has settled his accounts of the preceding year, and has satisfactorily shown that all balances in favor of the Government, which may appear to be in his hands, are ready to be paid over on the order of the Secretary of the Interior.

Disposal of proceeds of sales of Indian lands. SEC. 2093. All moneys received from the sales of lands that have been, or may be hereafter, ceded to the United States by Indian tribes, by treaties providing for the investment or payment to the Indians, parties thereto, of the proceeds of the lands ceded by them, respectively, after deducting the expenses of survey and sale, any sums stipulated to be advanced, and the expenses of fulfilling any engagements contained therein, shall be paid into the Treasury in the same manner that moneys received from the sales of public lands are paid into the Treasury.

Appropriation of moneys to carry out Indian treaties. SEC. 2094. All sums that are or may be required to be paid, and all moneys that are or may be required to be invested by the treaties mentioned in the preceding section, are appropriated in conformity to them, and shall be drawn from the Treasury as other public moneys are drawn therefrom, under such instructions as may from time to time be given by the President.

Investments of stock required by treaties. SEC. 2095. All investments of stock, that are or may be required by treaties with the Indians, shall be made under the direction of the President; and special accounts of the funds under such treaties shall be kept at the Treasury, and statements thereof be annually laid before Congress.

Investment of proceeds of lands. SEC. 2096. The Secretary of the Interior shall invest in a manner which shall be in his judgment most safe, and beneficial for the fund, all moneys that may be received under treaties containing stipulations for the payment to the Indians, annually, of interest upon the proceeds of the lands ceded by them; and he shall make no investment of such moneys, or of any portion, at a lower rate of interest than five per centum per annum.

Misapplication of funds belonging to the Indians prohibited. SEC. 2097. No funds belonging to any Indian tribe with which treaty relations exist shall be applied in any manner not authorized by such treaty, or by express provisions of law; nor shall money appropriated to execute a treaty be transferred or applied to any other purpose, unless expressly authorized by law.

Indian depredations, how paid. SEC. 2098. No part of the moneys which may be appropriated in any general act or deficiency bill making appropriations for the current and contingent expenses incurred in Indian affairs, to pay annuities due to or to be used and expended for the care and benefit of any tribe or tribes of Indians, shall be applied to the payment of any claim for depredations that may have been or may be committed by such tribe or tribes, or any member or members thereof. No claims for Indian depredations shall be paid until Congress shall make special appropriation therefor.

Funds for education. SEC. 2099. No moneys which may be appropriated for the purposes of education among the Indian tribes shall be expended for any such object elsewhere than in Indian country. But this provision shall not apply to appropriations the expenditure of which is authorized by treaty stipulations, to be made under the direction either of the President or of the Indian tribes, respectively.

Annuities of Indians hostile to United States. SEC. 2100. No moneys or annuities stipulated by any treaty with an Indian tribe for which appropriations are made shall be expended for, or paid, or delivered to any tribe which, since the next preceding payment under such treaty, has engaged in hostilities against the United States, or against its citizens peacefully or lawfully sojourning or traveling within its jurisdiction at the time of such hostilities; nor in such case shall such stipulated payments or deliveries be resumed until new appropriations shall have been made therefor by Congress. And the Commissioner of Indian Affairs shall report to Congress, at each session, any case of hostilities, by any tribe with which the United States has treaty stipulations, which has occurred since his next preceding report.

SEC. 2101. No delivery of goods or merchandise shall be made to the chiefs of any tribe, by authority of any treaty, if such chiefs have violated the stipulations contained in such treaty upon their part.

Goods withheld from chiefs who have violated treaty stipulations.

10 April, 1869, c. 16, s. 2, v. 16, p. 39.

SEC. 2102. The Secretary of the Interior shall withhold from any tribe of Indians who may hold American captives, any moneys due them from the United States, until such captives have been surrendered to the lawful authorities of the United States.

Moneys due Indians holding American captives.

15 May, 1870, Res. No. 62, s. 3, v. 16, p. 377.

SEC. 2103. No agreement shall be made by any person with any tribe of Indians, or individual Indians not citizens of the United States, for the payment or delivery of any money or other thing of value, in present or in prospective, or for the granting or procuring any privilege to him, or any other person in consideration of services for said Indians relative to their lands, or to any claims growing out of, or in reference to, annuities, installments, or other moneys, claims, demands, or thing, under laws or treaties with the United States, or official acts of any officers thereof, or in any way connected with or due from the United States, unless such contract or agreement be executed and approved as follows:

Contracts with the Indians.

3 Mar., 1871, c. 120, s. 3, v. 16, p. 570.

21 May, 1872, c. 177, ss. 1, 2, v. 17, p. 136.

29 April, 1874, c. 135, v. 18, p. 35.

3 Mar., 1875, c. 132, s. 9, v. 18, p. 450.

First. Such agreement shall be in writing, and a duplicate of it delivered to each party.

Second. It shall be executed before a judge of a court of record, and bear the approval of the Secretary of the Interior and the Commissioner of Indian Affairs indorsed upon it.

Third. It shall contain the names of all parties in interest, their residence and occupation; and if made with a tribe, by their tribal authorities, the scope of authority and the reason for exercising that authority, shall be given specifically.

Fourth. It shall state the time when and place where made, the particular purpose for which made, the special thing or things to be done under it, and, if for the collection of money, the basis of the claim, the source from which it is to be collected, the disposition to be made of it when collected, the amount or rate per centum of the fee in all cases; and if any contingent matter or condition constitutes a part of the contract or agreement, it shall be specifically set forth.

Fifth. It shall have a fixed limited time to run, which shall be distinctly stated.

Sixth. The judge before whom such contract or agreement is executed shall certify officially the time when and place where such contract or agreement was executed, and that it was in his presence, and who are the interested parties thereto, as stated to him at the time; the parties present making the same; the source and extent of authority claimed at the time by the contracting parties to make the contract or agreement, and whether made in person or by agent or attorney of either party or parties.

All contracts or agreements made in violation of this section shall be null and void, and all money or other thing of value paid to any person by any Indian or tribe, or any one else, for or on his or their behalf, on account of such services, in excess of the amount approved by the Commissioner and Secretary for such services, may be recovered by suit in the name of the United States in any court of the United States, regardless of the amount in controversy; and one-half thereof shall be paid to the person suing for the same, and the other half shall be paid into the Treasury for the use of the Indian or tribe by or for whom it was so paid.

SEC. 2104. No money shall be paid to any agent or attorney by an officer of the United States under any such contract or agreement, other than the fees due him for services rendered thereunder; but the moneys due the tribe, Indian, or Indians, as the case may be, shall be paid by the United States, through its own officers or agents, to the party or parties entitled thereto; and no money or thing shall be paid to any person for services under such contract or agreement, until such person shall have first filed with the Commissioner of Indian Affairs a sworn state-

Payments under contracts restricted.

21 May, 1872, c. 177, s. 2, v. 17, p. 136.

29 April, 1874, c. 135, v. 18, p. 35.

ment, showing each particular act of service under the contract, giving date and fact in detail, and the Secretary of the Interior and Commissioner of Indian Affairs shall determine therefrom whether, in their judgment, such contract or agreement has been complied with or fulfilled; if so, the same may be paid, and, if not, it shall be paid in proportion to the services rendered under the contract.

Penalty for receiving moneys from Indians under prohibited contracts.

3 Mar., 1871, c. 120, s. 3, v. 16, p. 570.

SEC. 2105. The person so receiving such money contrary to the provisions of the two preceding sections, and his aiders and abettors, shall, in addition to the forfeiture of such sum, be punishable by imprisonment for not less than six months, and by a fine of not less than one thousand dollars. And it shall be the duty of all district attorneys to prosecute such cases when applied to to do so, and their failure and refusal shall be ground for their removal from office. Any Indian agent, or other person in the employment of the United States, who shall, in violation of the provisions of the preceding section, advise, sanction, or in any way aid in the making of such contracts or agreements, or in making such payments as are here prohibited, shall, in addition to the punishment herein imposed on the person making such contract, or receiving such money, be, on conviction, dismissed from the service of the United States, and be forever disqualified from holding any office of profit or trust under the same.

Assignments of contracts restricted.

21 May, 1872, c. 177, s. 2, v. 17, p. 136.

29 April, 1874, c. 135, v. 18, p. 35.

Restriction on payments to contractors, &c., until accounts and vouchers submitted, &c.

3 Mar., 1871, c. 120, s. 1, v. 16, p. 568.

SEC. 2106. No assignment of any contracts embraced by section twenty-one hundred and three, or of any part of one shall be valid, unless the names of the assignees and their residences and occupations be entered in writing upon the contract, and the consent of the Secretary of the Interior and the Commissioner of Indian Affairs to such assignment be also indorsed thereon.

SEC. 2107. No payments shall be made by any officer of the United States to contractors for goods or supplies of any sort furnished to the Indians, or for the transportation thereof, or for any buildings or machinery erected or placed on their reservations, under or by virtue of any contract entered into with the Department of the Interior, or any branch thereof, on the receipts or certificates of the Indian agents or superintendents for such supplies, goods, transportation, buildings, or machinery beyond fifty per cent. of the amount due, until the accounts and vouchers shall have been submitted to the executive committee of the board of Indian commissioners appointed by the President for examination, revisal, and approval; and such board of commissioners shall, without unnecessary delay, forward the accounts and vouchers so submitted to them to the Secretary of the Interior, with the reasons for their approval or disapproval of the same, in whole or in part, attached thereto; and the Secretary shall have power to sustain, set aside, or modify the action of the board, and cause payment to be made or withheld, as he may determine.

Moneys due incompetent or orphan Indians.

5 July, 1862, c. 135, s. 6, v. 12, p. 529.

SEC. 2108. The Secretary of the Interior is directed to cause settlements to be made with all persons appointed by Indian councils to receive moneys due to incompetent or orphan Indians, and to require all moneys found due to such incompetent or orphan Indians to be returned to the Treasury; and all moneys so returned shall bear interest at the rate of six per centum per annum, until paid by order of the Secretary of the Interior to those entitled to the same. No money shall be paid to any person appointed by any Indian council to receive moneys due to incompetent or orphan Indians, but the same shall remain in the Treasury of the United States until ordered to be paid by the Secretary to those entitled to receive the same, and shall bear six per centum interest until so paid.

Number of Indians present and receiving food, &c., to be reported.

14 Feb., 1873, c. 138, s. 7, v. 17, pp. 463, 464.

SEC. 2109. Whenever the issue of food, clothing, or supplies of any kind to Indians is provided for, it shall be the duty of the agent or commissioner issuing the same, at such issue thereof, whether it be both of food and clothing, or either of them, or of any kind of supplies, to report to the Commissioner of Indian Affairs the number of Indians present and actually receiving the same.

SEC. 2110. The President is authorized to cause such rations as he deems proper, and as can be spared from the Army provisions without injury to the service, to be issued, under such regulations as he shall think fit to establish, to Indians who may visit the military posts or agencies of the United States on the frontiers, or in their respective nations; and a special account of these issues shall be kept and rendered.

Rations for Indians.

30 June, 1834, c. 162, s. 16, v. 4, p. 738.

22 June, 1874, c. 389, s. 3, v. 18, p. 176.

CHAPTER THREE.

GOVERNMENT AND PROTECTION OF INDIANS.

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| Sec. | Sec. |
| 2111. Sending seditious messages, penalty. | 2119. Protection of Indians desiring civilized life. |
| 2112. Carrying seditious messages, penalty. | 2120. Indians trespassing on lands of civilized Indians. |
| 2113. Correspondence with foreign nations to excite Indians to war, penalty. | 2121. Suspension of chief for trespass. |
| 2114. General superintendence by President over tribes removed west of the Mississippi. | 2122. Sale of buildings belonging to the United States. |
| 2115. Survey of Indian reservations. | 2123. Sale of lands with buildings. |
| 2116. Purchases or grants from Indians. | 2124. Penalties, how recovered. |
| 2117. Driving stock to feed on Indian lands. | 2125. Proceedings against goods. |
| 2118. Settling on or surveying lands belonging to Indians by treaty. | 2126. Burden of proof. |

SEC. 2111. Every person who sends any talk, speech, message, or letter to any Indian nation, tribe, chief, or individual, with an intent to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace and tranquillity of the United States, is liable to a penalty of two thousand dollars.

Sending seditious messages; penalty.

30 June, 1834, c. 161, s. 13, v. 4, p. 731.

SEC. 2112. Every person who carries or delivers any talk, message, speech, or letter, intended to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace or tranquillity of the United States, knowing the contents thereof, to or from any Indian nation, tribe, chief, or individual, from or to any person or persons whatever, residing within the United States, or from or to any subject, citizen, or agent of any foreign power or state, is liable to a penalty of one thousand dollars.

Carrying seditious messages; penalty.

30 June, 1834, c. 161, s. 14, v. 4, p. 731.

SEC. 2113. Every person who carries on a correspondence, by letter or otherwise, with any foreign nation or power, with an intent to induce such foreign nation or power to excite any Indian nation, tribe, chief, or individual, to war against the United States, or to the violation of any existing treaty; or who alienates, or attempts to alienate, the confidence of any Indian or Indians from the Government of the United States, is liable to a penalty of one thousand dollars. [See § 5335.]

Correspondence with foreign nations, to excite Indians to war; penalty.

30 June, 1834, c. 161, s. 15, v. 4, p. 731.

SEC. 2114. The President is authorized to exercise general superintendence and care over any tribe or nation which was removed upon an exchange of territory under authority of the act of May twenty-eighth, eighteen hundred and thirty, "to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi;" and to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

General superintendence by the President over tribes removed west of the Mississippi.

28 May, 1830, c. 148, ss. 7, 8, v. 4, p. 412.

SEC. 2115. Whenever it becomes necessary to survey any Indian or other reservations, or any lands, the same shall be surveyed under the direction and control of the General Land-Office, and as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed.

Survey of Indian reservations.

8 April, 1864, c. 48, s. 6, v. 13, p. 41.

SEC. 2116. 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

Purchases or grants from Indians.

30 June, 1834, c. 161, s. 12, v. 4, p. 730.

Johnson's Lessee
v. McIntosh, 8 Wh.,
543.

Driving stock to
feed on Indian
lands.

30 June, 1834, c.
161, s. 9, v. 4, p. 730.

U. S. r. Mattock, 2 Saw., 148.

Settling on or sur-
veying lands be-
longing to Indians
by treaty.

30 June, 1834, c.
161, s. 11, v. 4, p. 730.

Worcester v.
Georgia, 6 Pet., 515;
Clark v. Smith, 13
Lean, 82.

Protection of In-
dians desiring civ-
ilized life.

14 June, 1862, c.
101, s. 1, v. 12, p.
427.

Indians trespass-
ing upon lands of
civilized Indians.

14 June, 1862, c.
101, s. 2, v. 12, p.
427.

Suspension of
chief for trespass.

14 June, 1862, c.
101, s. 3, v. 12, p.
427.

Sale of buildings
belonging to the
United States.

3 Mar., 1843, c.
78, s. 1, v. 5, p. 611.

Sale of lands with
buildings.

3 Mar., 1843, c.
78, s. 2, v. 5, p. 611.

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 one thousand dollars. 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.

SEC. 2117. 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 one dollar for each animal of such stock.

SEC. 2118. 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 one thousand dollars. The President may, moreover, take such measures and employ such military force as may judge necessary to remove any such person from the lands.

Pet., 195; Lattimer v. Poteet, 14 Pet., 4; Lowry v. Weaver, 4 Mc-

SEC. 2119. 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.

SEC. 2120. Whenever any person of Indian blood belonging to a band or tribe which receives or is entitled to receive annuities from the United States, and who has not adopted the habits and customs of civilized life, and received his lands in severalty by allotment, as mentioned in the preceding section, commits any trespass upon the lands or premises of any Indian who has so received his lands by allotment, the superintendent and agent of such band or tribe shall ascertain the damages resulting from such trespass, and the sum so ascertained shall be withheld from the payment next thereafter to be made, either to the band or tribe to which the party committing such trespass shall belong, as in the discretion of the superintendent he shall deem proper; and the sum so withheld shall, if the Secretary of the Interior approves, be paid over by the agent or superintendent to the party injured.

SEC. 2121. Whenever such trespasser as is mentioned in the preceding section is the chief or head-man of a band or tribe, the superintendent of Indian affairs in his district shall also suspend the trespasser from his office for three months, and shall during that time deprive him of all the benefits and emoluments connected therewith; but the chief or head-man may be sooner restored to his former standing if the superintendent shall so direct.

SEC. 2122. The Secretary of the Interior is authorized to cause all such buildings belonging to the United States, as have been, or hereafter shall be, erected for the use of their agents, teachers, farmers, mechanics, and other persons employed amongst the Indians, to be sold whenever the lands on which the same are erected have become the property of the United States, and are no longer necessary for such purposes.

SEC. 2123. The Secretary of the Interior is authorized to cause to be sold, at his discretion, with each of such buildings as are mentioned in the preceding section, a quantity of land not exceeding one section; and on the payment of the consideration agreed for into the Treasury of the

United States by the purchaser, the Secretary shall make, execute, and deliver to the purchaser a title in fee-simple for such lands and tenements.

SEC. 2124. All penalties which shall accrue under this Title shall be sued for and recovered in an action in the nature of an action of debt, in the name of the United States, before any court having jurisdiction of the same, in any State or Territory in which the defendant shall be arrested or found, the one-half to the use of the informer and the other half to the use of the United States, except when the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use.

SEC. 2125. When goods or other property shall be seized for any violation of this Title, it shall be lawful for the person prosecuting on behalf of the United States to proceed against such goods, or other property, in the manner directed to be observed in the case of goods, wares, or merchandise brought into the United States in violation of the revenue laws.

SEC. 2126. In all trials about the right of property in which an Indian may be a party on one side, and a white person on the other, the burden of proof shall rest upon the white person, whenever the Indian shall make out a presumption of title in himself from the fact of previous possession or ownership.

Penalties, how recovered.

30 June, 1834, c. 161, s. 27, v. 4, p. 733.

Proceedings against goods.

30 June, 1834, c. 161, s. 28, v. 4, p. 734.

Burden of proof.

30 June, 1834, c. 161, s. 22, v. 4, p. 733.

CHAPTER FOUR.

GOVERNMENT OF INDIAN COUNTRY.

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2128. Trading with Indians.
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2131. Revocation of license.
2132. Prohibition of trade by the President.
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SEC. 2127. The agent of each tribe of Indians, lawfully residing in the Indian country, is authorized to sell for the benefit of such Indians any cattle, horses, or other live stock belonging to the Indians, and not required for their use and subsistence, under such regulations as shall be established by the Secretary of the Interior. But no such sale shall be made so as to interfere with the execution of any order lawfully issued by the Secretary of War, connected with the movement or subsistence of troops.

Sale of cattle, &c., of the Indians by agents.

3 Mar., 1865, c. 127, s. 9, v. 13, p. 563.

SEC. 2128. Any loyal person, a citizen of the United States, of good moral character, shall be permitted to trade with any Indian tribe upon giving bond to the United States in the penal sum of not less than five nor more than ten thousand dollars, with at least two good sureties, to be approved by the superintendent of the district within which such person proposes to trade, or by the United States district judge or dis-

Trading with Indians.

26 July, 1866, c. 266, s. 4, v. 14, p. 280.

strict attorney for the district in which the obligor resides, renewable each year, conditioned that such person will faithfully observe all laws and regulations made for the government of trade and intercourse with the Indian tribes, and in no respect violate the same.

License to trade.

30 June, 1834, c. 161, s. 2, v. 4, p. 729.

U. S. v. Ciska, 1 McLean, 254.

Refusal of license.

30 June, 1834, c. 161, s. 3, v. 4, p. 729.

Revocation of license.

30 June, 1834, c. 161, s. 2, v. 4, p. 729.

Prohibition of trade by the President.

30 June, 1834, c. 161, s. 3, v. 4, p. 729.

Penalty for trading without a license.

30 June, 1834, c. 161, s. 4, v. 4, p. 729.

Penalty upon foreigners entering Indian country without passports.

30 June, 1834, c. 161, s. 6, v. 4, p. 730.

Prohibited purchases and sales.

30 June, 1834, c. 161, s. 7, v. 4, p. 730.

Trading or selling arms, &c., in any district occupied by uncivilized or hostile Indians.

14 Feb., 1873, c. 138, s. 1, v. 17, p. 459.

5 Aug., 1876, J. R. No. 20, v. 19, p. 216.

SEC. 2129. No person shall be permitted to trade with any of the Indians in the Indian country without a license therefor from a superintendent of Indian affairs, or Indian agent, or sub-agent, which license shall be issued for a term not exceeding two years for the tribes east of the Mississippi, and not exceeding three years for the tribes west of that river.

SEC. 2130. Any superintendent or agent may refuse an application for a license to trade, if he is satisfied that the applicant is a person of bad character, or that it would be improper to permit him to reside in the Indian country, or if a license, previously granted to such applicant, has been revoked, or a forfeiture of his bond decreed. But an appeal may be had from the agent or the superintendent to the Commissioner of Indian Affairs.

SEC. 2131. The superintendent of the district shall have power to revoke and cancel any license to trade within the Indian country whenever the person licensed has, in his opinion, transgressed any of the laws or regulations provided for the government of trade and intercourse with the Indian tribes, or whenever, in his opinion, it is improper to permit such person to remain in the Indian country. No trade with the tribes shall be carried on within their boundary, except at certain suitable and convenient places, to be designated from time to time by the superintendents, agents, and sub-agents, and to be inserted in the license. The persons granting or revoking such licenses shall forthwith report the same to the Commissioner of Indian Affairs, for his approval or disapproval.

SEC. 2132. 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.

SEC. 2133. Any person other than an Indian who shall attempt to reside in the Indian country 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 five hundred dollars.

SEC. 2134. Every foreigner who shall go into the Indian country without a passport from the Department of the Interior, superintendent, agent, or sub-agent of Indian affairs, or officer of the United States commanding the nearest military post on the frontiers, or who shall remain intentionally therein after the expiration of such passport, shall be liable to a penalty of one thousand dollars. Every such passport shall express the object of such person, the time he is allowed to remain, and the route he is to travel.

SEC. 2135. Every person, other than an Indian, who, within the Indian country, purchases or receives of any Indian, in the way of barter, trade, or pledge, a gun, trap, or other article commonly used in hunting, any instrument of husbandry, or cooking utensils of the kind commonly obtained by the Indians in their intercourse with the white people, or any article of clothing, except skins or furs, shall be liable to a penalty of fifty dollars.

SEC. 2136. If any trader, his agent, or any person acting for or under him, shall sell any arms or ammunition at his trading-post or other place within any district or country occupied by uncivilized or hostile Indians, contrary to the rules and regulations of the Secretary of the Interior, such trader shall forfeit his right to trade with the Indians, and the Secretary shall exclude such trader, and the agent, or other person so offending, from the district or country so occupied.

SEC. 2137. Every person, other than an Indian, who, within the limits of any tribe with whom the United States has existing treaties, hunts, or traps, or takes and destroys any peltries or game, except for subsistence in the Indian country, shall forfeit all the traps, guns, and ammunition in his possession, used or procured to be used for that purpose, and all peltries so taken; and shall be liable in addition to a penalty of five hundred dollars.

Prohibition of hunting on Indian lands.

30 June, 1834, c. 161, s. 8, v. 4, p. 730.

SEC. 2138. Every person who drives or removes, except by authority of an order lawfully issued by the Secretary of War, connected with the movement or subsistence of troops, any cattle, horses, or other stock from the Indian country for the purposes of trade or commerce, shall be punishable by imprisonment for not more than three years, or by a fine of not more than five thousand dollars, or both.

Penalty for removing cattle from Indian country.

3 Mar., 1865, c. 127, s. 8, v. 13, p. 563.

SEC. 2139. No ardent spirits shall be introduced, under any pretense, into the Indian country. Every person, [except an Indian, in the Indian country,] who sells, exchanges, gives, barter, or disposes of any spirituous liquors or wine to any Indian under the charge of any Indian superintendent or agent, or introduces or attempts to introduce any spirituous liquor or wine into the Indian country, shall be punishable by imprisonment for not more than two years, and by a fine of not more than three hundred dollars. But it shall be a sufficient defense to any charge of introducing or attempting to introduce liquor into the Indian country, that the acts charged were done by order of or under authority from the War Department, or any officer duly authorized thereunto by the War Department.

Penalty for selling spirituous liquors in Indian country.

9 July, 1832, c. 174, s. 4, v. 4, p. 564.
15 Mar., 1864, c. 33, v. 13, p. 29.
27 Feb., 1877, c. 69, v. 19, p. 244.

American Fur Co. v. U. S., 2 Pet., 358; U. S. v. Halliday, 3 Wall., 407; U. S. v. Shawmox, 2 Saw., 364.

SEC. 2140. If any superintendent of Indian affairs, Indian agent, or sub-agent, or commanding officer of a military post, has reason to suspect or is informed that any white person or Indian is about to introduce or has introduced any spirituous liquor or wine into the Indian country in violation of law, such superintendent, agent, sub-agent, or commanding officer, may cause the boats, stores, packages, wagons, sleds, and places of deposit of such person to be searched; and if any such liquor is found therein, the same, together with the boats, teams, wagons, and sleds used in conveying the same, and also the goods, packages, and peltries of such person, shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one-half to the informer and the other half to the use of the United States; and if such person be a trader, his license shall be revoked and his bond put in suit. It shall moreover be the duty of any person in the service of the United States, or of any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except such as may be introduced therein by the War Department. In all cases arising under this and the preceding section Indians shall be competent witnesses.

Power of superintendents, &c., to search for concealed liquors.

15 Mar., 1864, c. 33, v. 13, p. 29.

American Fur Co. v. U. S., 2 Pet., 358.

SEC. 2141. Every person who shall, within the Indian country, set up or continue any distillery for manufacturing ardent spirits, shall be liable to a penalty of one thousand dollars; and the superintendent of Indian affairs, Indian agent, or sub-agent, within the limits of whose agency any distillery of ardent spirits is set up or continued, shall forthwith destroy and break up the same.

Penalty for setting up distillery in Indian country.

30 June, 1834, c. 161, s. 21, v. 4, p. 732.

SEC. 2142. Every white person who shall make an assault upon an Indian, or other person, and every Indian who shall make an assault upon a white person, within the Indian country, with a gun, rifle, sword, pistol, knife, or any other deadly weapon, with intent to kill or maim the person so assaulted, shall be punishable by imprisonment, at hard labor, for not more than five years, nor less than one year.

Assault.

27 Mar., 1854, c. 26, s. 5, v. 10, p. 270.

SEC. 2143. Every white person who shall set fire, or attempt to set fire, to any house, out-house, cabin, stable, or other building, in the Indian country, to whomsoever belonging; and every Indian who shall set fire to any house, out-house, cabin, stable, or other building, in the Indian country, in whole or in part belonging to or in lawful possession of a white person, and whether the same be consumed or not, shall be punishable

Arson.

27 Mar., 1854, c. 26, s. 4, v. 10, p. 270.

by imprisonment at hard labor for not more than twenty-one years, nor less than two years.

The laws defining, &c., forgery and depredations on mails, extended to Indian country.

3 Mar., 1855, c. 204, s. 8, v. 10, p. 700.

General laws as to punishment of crimes extended to Indian country.

30 June, 1834, c. 161, s. 25, v. 4, p. 733.

Exceptions to the operation of the preceding sections.

27 Mar., 1854, c. 26, s. 3, v. 10, p. 270.
18 Feb., 1875, c. 80, r. 18, p. 318.

Removal of persons.

30 June, 1834, c. 161, s. 10, v. 4, p. 730.

Penalty for return.

18 Aug., 1856, c. 128, s. 2, v. 11, p. 80.

Removal from reservations.

12 June, 1858, c. 155, s. 2, v. 11, p. 332.

Employment of the military in apprehending persons violating the law.

30 June, 1834, c. 161, s. 21, 23, v. 4, p. 732.

Detention of persons apprehended by the military.

Ibid., s. 23.

Arrest of absconding Indians guilty of crime.

30 June, 1834, c. 161, s. 19, v. 4, p. 732.

SEC. 2144. The general laws of the United States defining and prescribing punishments for forgery and for depredations upon the mails, shall extend to the Indian country.

SEC. 2145. Except as to crimes the punishment of which is expressly provided for in this Title, the general laws of the United States as to the punishment of crimes committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country.

30 June, 1834, c. 161, s. 25, v. 4, p. 733.

SEC. 2146. The preceding section shall not be construed to extend to [crimes committed by one Indian against the person or property of another Indian, nor to] any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively.

SEC. 2147. The superintendent of Indian affairs, and the Indian agents and sub-agents, shall have authority to remove from the Indian country all persons found therein contrary to law; and the President is authorized to direct the military force to be employed in such removal.

SEC. 2148. If any person who has been removed from the Indian country shall thereafter at any time return or be found within the Indian country, he shall be liable to a penalty of one thousand dollars.

SEC. 2149. The Commissioner of Indian Affairs is authorized and required, with the approval of the Secretary of the Interior, to remove from any tribal reservation any person being therein without authority of law, or whose presence within the limits of the reservation may, in the judgment of the Commissioner, be detrimental to the peace and welfare of the Indians; and may employ for the purpose such force as may be necessary to enable the agent to effect the removal of such person.

SEC. 2150. The military forces of the United States may be employed in such manner and under such regulations as the President may direct—

First. In the apprehension of every person who may be in the Indian country in violation of law; and in conveying him immediately from the Indian country, by the nearest convenient and safe route, to the civil authority of the Territory or judicial district in which such person shall be found, to be proceeded against in due course of law;

Second. In the examination and seizure of stores, packages, and boats, authorized by law;

Third. In preventing the introduction of persons and property into the Indian country contrary to law; which persons and property shall be proceeded against according to law;

Fourth. And also in destroying and breaking up any distillery for manufacturing ardent spirits set up or continued within the Indian country.

SEC. 2151. No person apprehended by military force under the preceding section shall be detained longer than five days after arrest and before removal. All officers and soldiers who may have any such person in custody shall treat him with all the humanity which the circumstances will permit.

SEC. 2152. The superintendents, agents, and sub-agents shall endeavor to procure the arrest and trial of all Indians accused of committing any crime, offense, or misdemeanor, and of all other persons who may have committed crimes or offenses within any State or Territory, and have fled into the Indian country, either by demanding the same of the chiefs of the proper tribe, or by such other means as the President may author-

ize. The President may direct the military force of the United States to be employed in the apprehension of such Indians, and also in preventing or terminating hostilities between any of the Indian tribes.

SEC. 2153. In executing process in the Indian country, the marshal may employ a posse comitatus, not exceeding three persons in any of the States respectively, to assist in executing process by arresting and bringing in prisoners from the Indian country, and allow them three dollars for each day in lieu of all expenses and services. [See § 532.]

Executing process.

14 June, 1858, c. 163, s. 3, v. 11, p. 363.

SEC. 2154. Whenever, in the commission, by a white person, of any crime, offense, or misdemeanor, within the Indian country, the property of any friendly Indian is taken, injured, or destroyed, and a conviction is had for such crime, offense, or misdemeanor, the person so convicted shall be sentenced to pay to such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injured, or destroyed.

Reparation for injured property.

30 June, 1834, c. 161, s. 16, v. 4, p. 731.

SEC. 2155. If such offender shall be unable to pay a sum at least equal to the just value or amount, whatever such payment shall fall short of the same shall be paid out of the Treasury of the United States. If such offender cannot be apprehended and brought to trial, the amount of such property shall be paid out of the Treasury. But no Indian shall be entitled to any payment out of the Treasury of the United States, for any such property, if he, or any of the nation to which he belongs, have sought private revenge, or have attempted to obtain satisfaction by any force or violence.

Payment where the offender is unable.

30 June, 1834, c. 161, s. 16, v. 4, p. 731.

SEC. 2156. If any Indian, belonging to any tribe in amity with the United States, shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy, any horse, or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent, may make application to the proper superintendent, agent, or sub-agent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which such Indian shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time not exceeding twelve months, such superintendent, agent, or sub-agent shall make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury.

Injuries to property by Indians.

30 June, 1834, c. 161, s. 17, v. 4, p. 731.
28 Feb., 1859, c. 66, s. 8, v. 11, p. 401.

SEC. 2157. The superintendents, agents, and sub-agents within their respective districts are authorized and empowered to take depositions of witnesses touching any depredations, within the purview of the three preceding sections, and to administer oaths to the deponents.

Superintendents authorized to take depositions.

30 June, 1834, c. 161, s. 18, v. 4, p. 732.