

§ 199. Access to records of Five Civilized Tribes

The Secretary of the Interior, or his accredited representative, shall at all times have access to any books and records of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes, whether in possession of any of the officers of either of said tribes or any officer or custodian thereof, of the State of Oklahoma.

(Mar. 1, 1907, ch. 2285, 34 Stat. 1027.)

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.

§ 199a. Custody of records; Oklahoma Historical Society

Title to records of Indian tribes heretofore placed with the Oklahoma Historical Society of the State of Oklahoma by the Secretary of the Interior shall remain vested in the United States and such records shall be held by the said society under rules and regulations prescribed by the Archivist of the United States: *Provided*, That copies of any such records, documents, books, or papers held by the said society when certified by the secretary or chief clerk thereof under its seal, or by the officer or person acting as secretary or chief clerk, shall be evidence equally with the original, and in making such certified copies the said secretary or acting secretary and the said chief clerk or acting chief clerk shall be acting as a Federal agent, and such certified copies shall have the same force and effect as if made by the Archivist of the United States as provided in section 2116(b) of title 44: *Provided further*, That whenever such certified copies are desired for official use by the Federal Government they shall be furnished without cost: *Provided further*, That any such records held by the said society shall be promptly returned to the Government official designated by the Archivist of the United States upon his request therefor.

(Mar. 27, 1934, ch. 93, 48 Stat. 501; Oct. 25, 1951, ch. 562, §4(5), 65 Stat. 640; Pub. L. 98-497, title I, §107(i), Oct. 19, 1984, 98 Stat. 2292.)

CODIFICATION

“Section 2116(b) of title 44” substituted in text for “section 509(b) of the Federal Records Act of 1950 (64 Stat. 583)” on authority of section 2(b) of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305, the first section of which enacted Title 44, Public Printing and Documents, and restated such section 509(b) as section 2112(b) of Title 44, and Pub. L. 98-497, title I, §102(a)(1), Oct. 19, 1984, 98 Stat. 2280, which renumbered section 2112(b) as 2116(b).

AMENDMENTS

1984—Pub. L. 98-497 substituted “Archivist of the United States” for “Administrator of General Services” in three places.

1951—Act Oct. 25, 1951, transferred control of Indian tribal records, heretofore placed hereunder with Oklahoma Historical Society, from Secretary of the Interior to Administrator of General Services.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of Title 44, Public Printing and Documents.

§ 200. Report of offense or case of Indian incarcerated in agency jail

Whenever an Indian shall be incarcerated in an agency jail, or any other place of confinement, on an Indian reservation or at an Indian school, a report or record of the offense or case shall be immediately submitted to the superintendent of the reservation or such official or officials as he may designate, and such report shall be made a part of the records of the agency office.

(Aug. 1, 1914, ch. 222, §1, 38 Stat. 586.)

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.

§ 201. Penalties; how recovered

All penalties which shall accrue under title 28 of the Revised Statutes 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.

(R.S. §2124.)

REFERENCES IN TEXT

Title 28 of the Revised Statutes, referred to in text, was in the original “this Title”, meaning title 28 of the Revised Statutes, consisting of R.S. §§2039 to 2157. For complete classification of R.S. §§2039 to 2157 to the Code, see Tables.

CODIFICATION

R.S. §2124 derived from act June 30, 1834, ch. 161, §27, 4 Stat. 733.

§ 202. Inducing conveyances by Indians of trust interests in lands

It shall be unlawful for any person to induce any Indian to execute any contract, deed, mortgage, or other instrument purporting to convey any land or any interest therein held by the United States in trust for such Indian, or to offer any such contract, deed, mortgage, or other instrument for record in the office of any recorder of deeds. Any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$500 for the first offense, and if convicted for a second offense may be punished by a fine not exceeding \$500 or imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court. This section shall not apply to any lease or other contract authorized by law to be made.

(June 25, 1910, ch. 431, § 5, 36 Stat. 857.)

CODIFICATION

Section was formerly classified to section 115 of Title 18, Criminal Code and Criminal Procedure, prior to the general revision and enactment of Title 18, Crimes and Criminal Procedure, by act June 25, 1948, ch. 645, § 1, 62 Stat. 683.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 353, 406, 564h, 697, 747 of this title.

CHAPTER 6—GOVERNMENT OF INDIAN COUNTRY AND RESERVATIONS

SUBCHAPTER I—GENERALLY

- Sec.
211. Creation of Indian reservations.
212 to 228. Repealed.
229. Injuries to property by Indians.
230. Depositions by agents touching depredations.
231. Enforcement of State laws affecting health and education; entry of State employees on Indian lands.
232. Jurisdiction of New York State over offenses committed on reservations within State.
233. Jurisdiction of New York State courts in civil actions.

SUBCHAPTER II—TRAFFIC IN INTOXICATING LIQUORS

- 241 to 250. Repealed.
251. Setting up distillery.
252. Repealed.
253. Wines for sacramental purposes.
254. Repealed.

SUBCHAPTER III—TRADERS WITH INDIANS

261. Power to appoint traders with Indians.
262. Persons permitted to trade with Indians.
263. Prohibition of trade by President.
264. Trading without license; white persons as clerks.
265, 266. Repealed.

SUBCHAPTER I—GENERALLY

§ 211. Creation of Indian reservations

No Indian reservation shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of New Mexico and Arizona, except by Act of Congress. (May 25, 1918, ch. 86, § 2, 40 Stat. 570.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 640d-4 of this title.

§§ 212 to 215. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862

Section 212, R.S. § 2143, related to arson. See section 1153 of Title 18, Crimes and Criminal Procedure.

Section 213, R.S. § 2142, related to assault. See section 1153 of Title 18.

Section 214, R.S. § 2138; act June 30, 1919, ch. 4, § 1, 41 Stat. 9, related to removing cattle from Indian country.

Section 215, R.S. § 2144, related to forgery and depredations on the mails. See sections 1151 and 1152 of Title 18.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 20 of act June 25, 1948.

§ 216. Repealed. Pub. L. 86-634, § 4, July 12, 1960, 74 Stat. 469

Section, R.S. § 2137, prohibited hunting by non-Indians on Indian lands except for subsistence. See section 1165 of Title 18, Crimes and Criminal Procedure.

§§ 217 to 218. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862

Section 217, R.S. § 2145, related to general laws as to punishment extended to Indian country. See sections 1151 and 1152 of Title 18, Crimes and Criminal Procedure.

Section 217a, act June 8, 1940, ch. 276, 54 Stat. 249, related to jurisdiction of Kansas over offenses committed by or against Indians or reservations. See section 3243 of Title 18.

Section 218, R.S. § 2146; act Feb. 18, 1875, ch. 80, § 1, 18 Stat. 318, related to exceptions as to extension of general laws. See sections 1151 and 1152 of Title 18.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 20 of act June 25, 1948.

§§ 219 to 226. Repealed. May 21, 1934, ch. 321, 48 Stat. 787

Section 219, R.S. § 2134, related to foreigners entering Indian country without passports, penalty for such entry and contents of passports.

Section 220, R.S. § 2147, related to authority to remove person from Indian country and to use of military force.

Section 221, R.S. § 2148, related to person returning after removal from Indian country.

Section 222, R.S. § 2149, related to authority to remove person from Indian reservation and use of necessary force.

Section 223, R.S. § 2150, related to employment of military.

Section 224, R.S. § 2151, related to detention and treatment of persons apprehended by military.

Section 225, R.S. § 2152, related to arrest of absconding Indians, use of military force to apprehend such Indians and to prevent tribal hostilities.

Section 226, R.S. § 2153, related to posse comitatus in executing process.

§§ 227, 228. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862

Section 227, R.S. § 2154, related to reparation for injuries to Indian property. See section 1160 of Title 18, Crimes and Criminal Procedure.

Section 228, R.S. § 2155, related to payment of reparation where offender is unable to. See section 1160 of Title 18.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 20 of act June 25, 1948.

§ 229. Injuries to property by Indians

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 subagent, 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 su-