

No. 26-\_\_\_\_\_

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In the  
**Supreme Court of the United States**

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HAZEN HUNTER WINCKLER,  
*Petitioner,*

v.

STATE OF SOUTH DAKOTA,  
*Respondent.*

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**On Petition for Writ of Certiorari to the  
Supreme Court of South Dakota**

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**PETITIONER'S APPENDIX  
VOLUME 4  
APP. B-1 – App. B-12**

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*Treaty between the United States of America, and the Yancton Tribe of Sioux, or Dacotah Indians. Concluded at Washington, April 19, 1858. Ratified by the Senate, February 16, 1859. Proclaimed by the President of the United States, February 26, 1859.*

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

April 19, 1858.

WHEREAS a treaty was made and concluded at the city of Washington, on the nineteenth day of April, one thousand eight hundred and fifty-eight, by Charles E. Mix, as a commissioner on the part of the United States, and the following named chiefs and delegates of the Yancton Tribe of Sioux or Dacotah Indians, viz :

Preamble.

Pa-la-ne-a-pa-pe, the man that was struck by the Ree.

Ma-to-sa-be-che-a, the smutty bear

Charles F. Picotte, Eta-ke-cha.

Ta-ton-ka-wete-co, the crazy bull.

Pse-cha-wa-kea, the jumping thunder.

Ma-ra-ha-ton, the iron horn.

Nombe-kah-pah, one that knocks down two.

Ta-ton-ka-e-yah-ka, the fast bull.

A-ha-ka-ma-ne, the walking elk.

A-ha-ka-na-zhe, the standing elk.

A-ha-ka-ho-che-cha, the elk with a bad voice.

Cha-ton-wo-ka-pa, the grabbing hawk.

E-ha-we-cha-sha, the owl man.

Pla-son-wa-kan-na-ge, the white medicine cow that stands.

Ma-ga-scha-che-ka, the little white swan.

Oke-che-la-wash-ta, the pretty boy.

They being thereto duly authorized by said tribe, which treaty is in the following words, to wit :

Articles of agreement and convention made and concluded at the city of Washington, this nineteenth day of April, A. D. one thousand eight hundred and fifty eight, by Charles E. Mix, commissioner on the part of the United States, and the following named chiefs and delegates of the Yancton Tribe of Sioux or Dacotah Indians, viz :

Contracting Parties.

Pa-la-ne-a-pa-pe, the man that was struck by the Ree.

Ma-to-sa-be-che-a, the smutty bear.

Charles F. Picotte, Eta-ke-cha.

Ta-ton-ka-wete-co, the crazy bull.

Pse-cha-wa-kea, the jumping thunder.

Ma-ra-ha-ton, the iron horn.

Nombe-kah-pah, one that knocks down two.

Ta-ton-ka-e-yah-ka, the fast bull.

A-ha-ka-ma-ne, the walking elk.

A-ha-ka-na-zhe, the standing elk.

A-ha-ka-ho-che-cha, the elk with a bad voice.

Cha-ton-wo-ka-pa, the grabbing hawk.

E-ha-we-cha-sha, the owl man.

Pla-son-wa-kan-na-ge, the white medicine cow that stands.

Ma-ga-scha-che-ka, the little white swan.

Oke-che-la-wash-ta, the pretty boy.

(The three last names signed by their duly authorized agent and representative, Charles F. Picotte,) they being thereto duly authorized and empowered by said tribe of Indians.

Lands relinquished to the United States, except, &c.	ARTICLE I. The said chiefs and delegates of said tribe of Indians do hereby cede and relinquish to the United States all the lands now owned, possessed, or claimed by them, wherever situated, except four hundred thousand acres thereof, situated and described as follows, to wit—Beginning at the mouth of the Naw-izi-wa-koo-pah or Chouteau River and extending up the Missouri River thirty miles; thence due north to a point; thence easterly to a point on the said Chouteau River; thence down said river to the place of beginning, so as to include the said quantity of four hundred thousand acres. They, also, hereby relinquish and abandon all claims and complaints about or growing out of any and all treaties heretofore made by them or other Indians, except their annuity rights under the treaty of Laramie, of September 17, A. D. 1851.
Boundaries of lands reserved.	ARTICLE II. The land so ceded and relinquished by the said chiefs and delegates of the said tribe of Yanctons is and shall be known and described as follows, to wit—"Beginning at the mouth of the Tchan-kas-angata or Calumet or Big Sioux River; thence up the Missouri River to the mouth of the Pa-hah-wa-kan or East Medicine Knoll River; thence up said river to its head; thence in a direction to the head of the main fork of the Wan-dush-kah-for or Snake River; thence down said river to its junction with the Tchan-san-san or Jaques or James River; thence in a direct line to the northern point of Lake Kampeska; thence along the northern shore of said lake and its outlet to the junction of said outlet with the said Big Sioux River; thence down the Big Sioux River to its junction with the Missouri River." And they also cede and relinquish to the United States all their right and title to and in all the islands of the Missouri River, from the mouth of the Big Sioux to the mouth of the Medicine Knoll River.
Boundaries of lands ceded.	And the said chiefs and delegates hereby stipulate and agree that all the lands embraced in said limits are their own, and that they have full and exclusive right to cede and relinquish the same to the United States.
Islands in the Missouri River.	ARTICLE III. The said chiefs and delegates hereby further stipulate and agree that the United States may construct and use such roads as may be hereafter necessary across their said reservation by the consent and permission of the Secretary of the Interior, and by first paying the said Indians all damages and the fair value of the land so used for said road or roads, which said damages and value shall be determined in such manner as the Secretary of the Interior may direct. And the said Yanctons hereby agree to <i>remove</i> and <i>settle</i> and <i>reside</i> on said reservation within one year from this date, and, until they do so remove, (if within said year,) the United States guarantee them in the quiet and undisturbed possession of their present settlements.
Title.	ARTICLE IV. In consideration of the foregoing cession, relinquishment, and agreements, the United States do hereby agree and stipulate as follows, to wit:
Necessary roads may be built across the lands reserved, paying damages therefor.	1st. To protect the said Yanctons in the quiet and peaceable possession of the said tract of four hundred thousand acres of land so reserved for their future home, and also their persons and property thereon during good behavior on their part.
Indians to settle, &c., on reservation within a year.	2d. To pay to them, or expend for their benefit, the sum of sixty-five thousand dollars per annum, for ten years, commencing with the year in which they shall remove to, and settle and reside upon, their said reservation—forty thousand dollars per annum for and during ten years thereafter—twenty-five thousand dollars per annum for and during ten years thereafter—and fifteen thousand dollars per annum for and during twenty years thereafter; making <i>one million and six hundred thousand dollars in annuities in the period of fifty years</i> , of which sums the President of the United States shall, from time to time, determine what proportion shall be paid to said Indians, in cash, and what proportion shall be expended for their benefit, and, also, in what manner and for what objects such expen-
Agreements on the part of the United States.	
Protection on the reserved lands.	
Payment of annuities.	

diture shall be made, due regard being had in making such determination to the best interests of said Indians. He shall likewise exercise the power to make such provision out of said sums as he may deem to be necessary and proper for the support and comfort of the aged or infirm, and helpless orphans of the said Indians. In case of any material decrease of said Indians, in number, the said amounts may, in the discretion of the President of the United States, be diminished and reduced in proportion thereto—or they may, at the discretion of the President of the United States, be discontinued entirely, should said Indians fail to make reasonable and satisfactory efforts to advance and improve their condition, in which case, such other provision shall be made for them as the President and Congress may judge to be suitable and proper.

3d. In addition to the foregoing sum of one million and six hundred thousand dollars as annuities, to be paid to or expended for the benefit of said Indians, during the period of fifty years, as before stated, the United States hereby stipulate and agree to expend for their benefit the sum of fifty thousand dollars more, as follows, to wit: Twenty-five thousand dollars in maintaining and subsisting the said Indians during the first year after their removal to and permanent settlement upon their said reservation; in the purchase of stock, agricultural implements, or other articles of a beneficial character, and in breaking up and fencing land; in the erection of houses, storehouses, or other needful buildings, or in making such other improvements as may be necessary for their comfort and welfare.

4th. To expend ten thousand dollars to build a school-house or school-houses, and to establish and maintain one or more normal labor schools (so far as said sum will go) for the education and training of the children of said Indians in letters, agriculture, the mechanic arts, and housewifery, which school or schools shall be managed and conducted in such manner as the Secretary of the Interior shall direct. The said Indians hereby stipulating to keep constantly thereat, during at least nine months in the year, all their children between the ages of seven and eighteen years; and if any of the parents, or others having the care of children, shall refuse or neglect to send them to school, such parts of their annuities as the Secretary of the Interior may direct, shall be withheld from them and applied as he may deem just and proper; and such further sum, in addition to the said ten thousand dollars, as shall be deemed necessary and proper by the President of the United States, shall be reserved and taken from their said annuities, and applied annually, during the pleasure of the President to the support of said schools, and to furnish said Indians with assistance and aid and instruction in agriculture and mechanical pursuits, including the working of the mills, hereafter mentioned, as the Secretary of the Interior may consider necessary and advantageous for said Indians; and all instruction in reading shall be in the English language. And the said Indians hereby stipulate to furnish, from amongst themselves, the number of young men that may be required as apprentices and assistants in the mills and mechanic shops, and at least three persons to work constantly with each white laborer employed for them in agriculture and mechanical pursuits, it being understood that such white laborers and assistants as may be so employed are thus employed more for the instruction of the said Indians than merely to work for their benefit; and that the laborers so to be furnished by the Indians may be allowed a fair and just compensation for their services, to be fixed by the Secretary of the Interior, and to be paid out of the shares of annuity of such Indians as are able to work, but refuse or neglect to do so. And whenever the President of the United States shall become satisfied of a failure, on the part of said Indians, to fulfil the aforesaid stipulations, he may, at his discretion, discontinue the allowance and expenditure of the sums so provided and set apart for said school or schools, and assistance and instruction.

Subsistence.  
Purchase of  
stock, &c.

Schools and  
school-houses.

Indians to fur-  
nish apprentices,  
&c. for mills.

President may  
discontinue al-  
lowance for  
schools.

U. S. to furnish mills, mechanic shops, &c.

5th. To provide the said Indians with a mill suitable for grinding grain and sawing timber; one or more mechanic shops, with the necessary tools for the same; and dwelling-houses for an interpreter, miller, engineer for the mill, (if one be necessary,) a farmer, and the mechanics that may be employed for their benefit, and to expend therefor a sum not exceeding fifteen thousand dollars.

Mills, &c. not to be injured.

ARTICLE V. Said Indians further stipulate and bind themselves to prevent any of the members of their tribe from destroying or injuring the said houses, shops, mills, machinery, stock, farming utensils, or any other thing furnished them by the government, and in case of any such destruction or injury of any of the things so furnished, or their being carried off by any member or members of their tribe, the value of the same shall be deducted from their general annuity; and whenever the Secretary of the Interior shall be satisfied that said Indians have become sufficiently confirmed in habits of industry, and advanced in the acquisition of a practical knowledge of agriculture and the mechanic arts to provide for themselves, he may, at his discretion, cause to be turned over to them all of the said houses and other property furnished them by the United States, and dispense with the services of any or all the persons hereinbefore stipulated to be employed for their benefit, assistance, and instruction.

If injured, value to be deducted from annuity.

Houses, &c. to be given to the Indians when, &c.

ARTICLE VI. It is hereby agreed and understood that the chiefs and head men of said tribe may, in their discretion, in open council, authorize to be paid out of their said annuities such a sum or sums as may be found to be necessary and proper, not exceeding in the aggregate one hundred and fifty thousand dollars, to satisfy their just debts and obligations, and to provide for such of their half-breed relations as do not live with them, or draw any part of the said annuities of said Indians: *Provided, however,* That their said determinations shall be approved by their agent for the time being, and the said payments authorized by the Secretary of the Interior: *Provided, also,* That there shall not be so paid out of their said annuities in any one year, a sum exceeding fifteen thousand dollars.

Portion of annuities may be paid for debts, &c.

Proviso.

Proviso.

Grants of land to Charles F. Picotte, Zephyr Rencontre, Paul Doriau, and others.

ARTICLE VII. On account of their valuable services and liberality to the Yanctons, there shall be granted in fee to Charles F. Picotte and Zephyr Rencontre, each, one section of six hundred and forty acres of land, and to Paul Dorian one half a section, and to the half-breed Yancton, wife of Charles Reulo, and her two sisters, the wives of Eli Bedaud and Augustus Traverse, and to Louis Le Count, each, one half a section. The said grants shall be selected in said ceded territory, and shall not be within said reservation, nor shall they interfere in any way with the improvements of such persons as are on the lands ceded above by authority of law; and all other persons (other than Indians, or mixed bloods) who are now residing within said ceded country, by authority of law, shall have the privilege of entering one hundred and sixty acres thereof, to include each of their residences or improvements, at the rate of one dollar and twenty-five cents per acre.

Persons other than Indians or mixed bloods, may enter 160 acres at \$1.25 per acre.

Yanctons to be secure in the use of the Red Pipe-stone quarry.

ARTICLE VIII. The said Yancton Indians shall be secured in the free and unrestricted use of the Red Pipe-stone quarry, or so much thereof as they have been accustomed to frequent and use for the purpose of procuring stone for pipes; and the United States hereby stipulate and agree to cause to be surveyed and marked so much thereof as shall be necessary and proper for that purpose, and retain the same and keep it open and free to the Indians to visit and procure stone for pipes so long as they shall desire.

United States may maintain military posts, &c.

ARTICLE IX. The United States shall have the right to establish and maintain such military posts, roads, and Indian agencies, as may be deemed necessary, within the tract of country herein reserved for the use of the Yanctons; but no greater quantity of land or timber shall be used for said purposes than shall be actually requisite; and if, in the establishment or maintenance of such posts, roads, and agencies, the property of

any Yancton shall be taken, injured, or destroyed, just and adequate compensation shall be made therefor by the United States.

ARTICLE X. No white person, unless in the employment of the United States, or duly licensed to trade with the Yanctons, or members of the families of such persons, shall be permitted to reside or make any settlement upon any part of the tract herein reserved for said Indians, nor shall said Indians alienate, sell, or in any manner dispose of any portion thereof, except to the United States; whenever the Secretary of the Interior shall direct, said tract shall be surveyed and divided as he shall think proper among said Indians, so as to give to each head of a family or single person a separate farm, with such rights of possession or transfer to any other member of the tribe or of descent to their heirs and representatives as he may deem just.

No trade with Indians unless licensed.

Land not to be alienated except, &c.

ARTICLE XI. The Yanctons acknowledge their dependence upon the government of the United States, and do hereby pledge and bind themselves to preserve friendly relations with the citizens thereof, and to commit no injuries or depredations on their persons or property, nor on those of members of any other tribe or nation of Indians; and in case of any such injuries or depredations by said Yanctons full compensation shall, as far as possible, be made therefor out of their tribal annuities, the amount in all cases to be determined by the Secretary of the Interior. They further pledge themselves not to engage in hostilities with any other tribe or nation, unless in self-defence, but to submit, through their agent, all matters of dispute and difficulty between themselves and other Indians for the decision, of the President of the United States, and to acquiesce in and abide thereby. They also agree to deliver, to the proper officer of the United States all offenders against the treaties, laws, or regulations of the United States, and to assist in discovering, pursuing, and capturing all such offenders, who may be within the limits of their reservation, whenever required to do so by such officer.

The Yanctons to preserve friendly relations.

Surrender of offenders.

ARTICLE XII. To aid in preventing the evils of intemperance, it is hereby stipulated that if any of the Yanctons shall drink, or procure for others, intoxicating liquor, their proportion of the tribal annuities shall be withheld from them for at least one year; and for a violation of any of the stipulations of this agreement on the part of the Yanctons they shall be liable to have their annuities withheld, in whole or in part, and for such length of time as the President of the United States shall direct.

Tribal annuities to be withheld, if intemperate, &c.

ARTICLE XIII. No part of the annuities of the Yanctons shall be taken to pay any debts, claims, or demands against them, except such existing claims and demands as have been herein provided for, and except such as may arise under this agreement, or under the trade and intercourse laws of the United States.

Annuities not to be subject to debts except, &c.

ARTICLE XIV. The said Yanctons do hereby fully acquit and release the United States from all demands against them on the part of said tribe, or any individual thereof, except the before mentioned right of the Yanctons to receive an annuity under said treaty of Laramie, and except, also, such as are herein stipulated and provided for.

Release of all demands, &c.

ARTICLE XV. For the special benefit of the Yanctons, parties to this agreement, the United States agree to appoint an agent for them, who shall reside on their said reservation, and shall have set apart for his sole use and occupation, at such a point as the Secretary of the Interior may direct, one hundred and sixty acres of land.

Indian agent for the Yanctons.

ARTICLE XVI. All the expenses of the making of this agreement and of surveying the said Yancton reservation, and of surveying and marking said Pipe-stone quarry, shall be paid by the United States.

Expense hereof to be borne by the United States.

ARTICLE XVII. This instrument shall take effect and be obligatory upon the contracting parties whenever ratified by the Senate and the President of the United States.

When to take effect.

In testimony whereof, the said Charles E. Mix, commissioner, as afore-

Signatures.

said, and the undersigned chiefs, delegates, and representatives of the said tribe of Yancton Indians, have hereunto set their hands and seals at the place and on the day first above written.

CHARLES E. MIX, *Commissioner*. [L. s.]

PA-LA-NE-APA-PE, or the Man that was struck by the  
Ree, his x mark. [L. s.]

MA-TO-SA-BE-CHE-A, or the Smutty Bear, his x mark [L. s.]

CHARLES F. PICOTTE, or Eta-ke-cha, [L. s.]

TA-TON-KA-WETE-CO, or the Crazy Bull, his x mark. [L. s.]

PSE-CHA-WA-KEA, or the Jumping Thunder, his x  
mark. [L. s.]

MA-RA-HA-TON, or the Iron Horn, his x mark [L. s.]

NOMBE-KAH-PAH, or One that knocks down two, his x  
mark. [L. s.]

TA-TON-KA-E-YAH-KA, or the Fast Bull, his x mark. [L. s.]

A-HA-KA MA-NE, or the Walking Elk, his x mark. [L. s.]

A-HA-KA-NA-ZHE, or the Standing Elk, his x mark. [L. s.]

A-HA-KA-HO-CHE-CHA, or the Elk with a bad voice,  
his x mark. [L. s.]

CHA-TON-WO-KA-PA, or the Grabbing Hawk, his x  
mark. [L. s.]

E-HA-WE-CHA-SHA, or the Owl Man, his x mark. [L. s.]

PLA-SON-WA-KAN-NA-GE, or the White Medicine  
Cow that stands, by his duly authorized delegate and  
representative, Charles F. Picotte. [L. s.]

MA-GA-SCHA-CHE-KA, or the Little White Swan,  
by his duly authorized delegate and representative,  
Charles F. Picotte. [L. s.]

O-KE-CHE-LA-WASH-TA, or the Pretty Boy, by his  
duly authorized delegate and representative, Chas. F.  
Picotte. [L. s.]

Executed in the presence of—

A. H. REDFIELD, *Agent*.

J. B. S. TODD,

THEOPHILE BRUGUIER,

JOHN DOWLING,

FR. SCHMIDT,

JOHN W. WELLS,

D. WALKER,

E. B. GRAYSON,

S. J. JOHNSON,

GEORGE P. MAPES,

H. BITTINGER,

D. C. DAVIS,

ZEPHIER RONCONTRE, his x mark, *U. S. Interpreter*.

Witness: J. B. S. TODD,

PAUL DORAIN, his x mark.

CHARLES RULO, his x mark.

Witness: J. B. S. TODD.

Consent of sen-  
ate.  
Feb. 16, 1859.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the 16th day of February, one thousand eight hundred and fifty-nine, advise and consent to the ratification of its articles by the following resolution:

IN EXECUTIVE SESSION,

SENATE OF THE UNITED STATES, February 16, 1859.

*Resolved*, (two thirds of the senators present concurring,) That the

**TREATY WITH YANCTON TRIBE OF SIOUX. APRIL 19, 1858.**

749

Senate advise and consent to the ratification of the articles of agreement and convention between the United States and the Yancton Tribe of Sioux or Dacotah Indians. Signed the 19th day of April, 1858.

Attest : ASBURY DICKINS, *Secretary.*

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the sixteenth day of February, one thousand eight hundred and fifty-nine, accept, ratify, and confirm the said treaty.

Proclaimed.

Feb. 26, 1859.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

Done at the city of Washington, this twenty-sixth day of February, in the year of our Lord, one thousand eight hundred and fifty-nine, and of the Independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President :  
LEWIS CASS, *Secretary of State.*

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**TREATY OF FORT LARAMIE.**

This treaty was concluded September 17, 1851. When it was before the Senate for ratification, certain amendments were made which require the assent of the Tribes, parties to it, before it can be considered a complete instrument. This assent of all the Tribes has not been obtained, and, consequently, although Congress appropriates money for the fulfilment of its stipulations, it is not yet in a proper form for publication. This note is added for the purpose of making the references from the Public Laws complete, and as an explanation why the Treaty is not published.

shall send to the Commissioner of Indian Affairs his certificate that such consent has been voluntarily given before such child shall be removed from such reservation. And it shall be unlawful for any Indian agent or other employé of the Government to induce, or seek to induce, by withholding rations or by other improper means, the parents or next of kin of any Indian to consent to the removal of any Indian child beyond the limits of any reservation.

Improper inducements forbidden.

AGREEMENT WITH THE YANKTON SIOUX OR DAKOTA INDIANS, IN SOUTH DAKOTA.

Agreement with Yankton Sioux, in South Dakota, ratified.

SEC. 12. The following agreement, made by J. C. Adams and John J. Cole, commissioners on the part of the United States, with the chiefs, headmen, and other male adults of the Yankton tribe of Sioux or Dakota Indians upon the Yankton Reservation, in the State of South Dakota, on the thirty-first day of December, eighteen hundred and ninety-two, and now on file in the Department of the Interior, and signed by said commissioners on behalf of the United States, and by Charles Martin, Edgar Lee, Charles Jones, Isaac Hepikigan, Stephen Cloud Elk, Edward Yellow Bird, Iron Lingthing, Eli Brockway, Alex Brunot Francis Willard, Louis Shunk, Joseph Caje, Albion Hitika, John Selwyn, Charles Ree, Joseph Cook, Brigham Young, William Highrock, Frank Felix, and Philip Ree, on behalf of the said Yankton tribe of Sioux Indians, is hereby accepted, ratified, and confirmed.

ARTICLES OF AGREEMENT.

Commissioners.

Whereas J. C. Adams and John J. Cole, duly appointed commissioners on the part of the United States, did, on the thirty-first day of December, eighteen hundred and ninety-two, conclude an agreement with the chiefs, headmen, and other male adults of the Yankton tribe of Sioux or Dacotah Indians upon the Yankton Reservation, in the State of South Dakota, which said agreement is as follows:

Vol. 27, p. 633.

Whereas a clause in the act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June thirtieth (30th), eighteen hundred and ninety-three (1893), and for other purposes, approved July 13th, 1892, authorizes the "Secretary of the Interior to negotiate with any Indians for the surrender of portions of their respective reservations, any agreement thus negotiated being subject to subsequent ratification by Congress;" and

Whereas the Yankton tribe of Dacotah—now spelled Dakota and so spelled in this agreement—or Sioux Indians is willing to dispose of a portion of the land set apart and reserved to said tribe, by the first article of the treaty of April (19th) nineteenth, eighteen hundred and fifty-eight (1858), between said tribe and the United States, and situated in the State of South Dakota:

Now, therefore, this agreement made and entered into in pursuance of the provisions of the act of Congress approved July thirteenth (13th), eighteen hundred and ninety-two (1892), at the Yankton Indian Agency, South Dakota, by J. C. Adams of Webster, S. D., John J. Cole of St. Louis, Mo., and I. W. French of the State of Neb., on the part of the United States, duly authorized and empowered thereto, and the chiefs, headmen, and other male adult members of said Yankton tribe of Indians, witnesseth:

ARTICLE I.

Unallotted lands ceded.

The Yankton tribe of Dakota or Sioux Indians hereby cede, sell, relinquish, and convey to the United States all their claim, right, title, and interest in and to all the unallotted lands within the limits of the reservation set apart to said Indians as aforesaid.

ARTICLE II.

In consideration for the lands ceded, sold, relinquished, and conveyed to the United States as aforesaid, the United States stipulates and agrees to pay to the said Yankton tribe of Sioux Indians the sum of six hundred thousand dollars (\$600,000), as hereinbefore provided for.

Consideration.

ARTICLE III.

SECTION 1. Sixty days after the ratification of this agreement by Congress, or at the time of the first interest payment, the United States shall pay to the said Yankton tribe of Sioux Indians, in lawful money of the United States, out of the principal sum stipulated in Article II, the sum of one hundred thousand dollars (\$100,000), to be divided among the members of the tribe per capita. No interest shall be paid by the United States on this one hundred thousand dollars (\$100,000).

Cash payment per capita.

SECTION 2. The remainder of the purchase money or principal sum stipulated in Article II, amounting to five hundred thousand dollars (\$500,000), shall constitute a fund for the benefit of the said tribe, which shall be placed in the Treasury of the United States to the credit of the said Yankton tribe of Sioux Indians, upon which the United States shall pay interest at the rate of five per centum (5) per annum from January first, eighteen hundred and ninety-three (January 1st, 1893), the interest to be paid and used as hereinafter provided for.

Fund.

Interest.

ARTICLE IV.

The fund of five hundred thousand dollars (\$500,000) of the principal sum, placed to the credit of the Yankton tribe of Sioux Indians, as provided for in Article III, shall be payable at the pleasure of the United States after twenty-five years, in lawful money of the United States. But during the trust period of twenty-five years, if the necessities of the Indians shall require it, the United States may pay such part of the principal sum as the Secretary of the Interior may recommend, not exceeding \$20,000 in any one year. At the payment of such sum it shall be deducted from the principal sum in the Treasury, and the United States shall thereafter pay interest on the remainder.

Payment of fund.

ARTICLE V.

SECTION 1. Out of the interest due to the Yankton tribe of Sioux Indians by the stipulations of Article III, the United States may set aside and use for the benefit of the tribe, in such manner as the Secretary of the Interior shall determine, as follows: For the care and maintenance of such orphans, and aged, infirm, or other helpless persons of the Yankton tribe of Sioux Indians, as may be unable to take care of themselves; for schools and educational purposes for the said tribe; and for courts of justice and other local institutions for the benefit of said tribe, such sum of money annually as may be necessary for these purposes, with the help of Congress herein stipulated, which sum shall not exceed six thousand dollars (\$6,000) in any one year: *Provided*, That Congress shall appropriate, for the same purposes, and during the same time, out of any money not belonging to the Yankton Indians, an amount equal to or greater than the sum set aside from the interest due to the Indians as above provided for.

Distribution of interest.

Equal amount to be appropriated.

SECTION 2. When the Yankton tribe of Sioux Indians shall have received from the United States a complete title to their allotted lands, and shall have assumed all the duties and responsibilities of citizenship, so that the fund provided for in section 1 of this article is no longer needed for the purposes therein named, any balance on hand shall be disposed of for the benefit of the tribe as the Secretary of the Interior shall determine.

Distribution of fund when title of allottees is completed.

## ARTICLE VI.

Per capita distribution.

After disposing of the sum provided for in Article V, the remainder of the interest due on the purchase money as stipulated in Article III shall be paid to the Yankton tribe of Sioux Indians semiannually, one-half on the thirtieth day of June and one-half on the thirty-first day of December of each year, in lawful money of the United States, and divided among them per capita. The first interest payment being made on June 30th, 1893, if this agreement shall have been ratified.

## ARTICLE VII.

Coins to adult males.

In addition to the stipulations in the preceding articles, upon the ratification of this agreement by Congress, the United States shall pay to the Yankton tribe of Sioux Indians as follows: To each person whose name is signed to this agreement and to each other male member of the tribe who is eighteen years old or older at the date of this agreement, twenty dollars (\$20) in one double eagle, struck in the year 1892 as a memorial of this agreement. If coins of the date named are not in the Treasury coins of another date may be substituted therefor. The payment provided for in this article shall not apply upon the principle sum stipulated in Article II, nor upon the interest thereon stipulated in Article III, but shall be in addition thereto.

## ARTICLE VIII.

Buildings, etc.

Such part of the surplus lands hereby ceded and sold to the United States, as may now be occupied by the United States for agency, schools, and other purposes, shall be reserved from sale to settlers until they are no longer required for such purposes. But all other lands included in this sale shall, immediately after the ratification of this agreement by Congress, be offered for sale through the proper land office, to be disposed of under the existing land laws of the United States, to actual and bona fide settlers only.

## ARTICLE IX.

Leases permitted.

During the trust period of twenty-five years, such part of the lands which have been allotted to members of the Yankton tribe of Indians in severalty, as the owner thereof can not cultivate or otherwise use advantageously, may be leased for one or more years at a time. But such leasing shall be subject to the approval of the Yankton Indian agent by and with the consent of the Commissioner of Indian Affairs; and provided that such leasing shall not in any case interfere with the cultivation of the allotted lands by the owner thereof to the full extent of the ability of such owner to improve and cultivate his holdings. The intent of this provision is to compel every owner of allotted lands to cultivate the same to the full extent of his ability to do so, before he shall have the privilege of leasing any part thereof, and then he shall have the right to lease only such surplus of his holdings as he is wholly unable to cultivate or use advantageously. This provision shall apply alike to both sexes, and to all ages, parents acting for their children who are under their control, and the Yankton Indian agent acting for minor orphans who have no guardians.

## ARTICLE X.

Lands for religious uses

Any religious society, or other organization now occupying under proper authority for religious or educational work among the Indians any of the land under this agreement ceded to the United States, shall

have the right for two years from the date of the ratification of this agreement within which to purchase the land so occupied at a valuation fixed by the Secretary of the Interior, which shall not be less than the average price paid to the Indians for these surplus lands.

ARTICLE XI.

If any member of the Yankton tribe of Sioux Indians shall within twenty-five years die without heirs, his or her property, real and personal, including allotted lands, shall be sold under the direction of the Secretary of the Interior, and the proceeds thereof shall be added to the fund provided for in Article V for schools and other purposes.

Lands of Indians dying without heirs.

ARTICLE XII.

No part of the principal or interest stipulated to be paid to the Yankton tribe of Sioux Indians, under the provisions of this agreement, shall be subject to the payment of debts, claims, judgments, or demands against said Indians for damages or depredations claimed to have been committed prior to the signing of this agreement.

Prior depredations not to be deducted.

ARTICLE XIII.

All persons who have been allotted lands on the reservation described in this agreement and who are now recognized as members of the Yankton tribe of Sioux Indians, including mixed-bloods, whether their white blood comes from the paternal or maternal side, and the children born to them, shall enjoy the undisturbed and peaceable possession of their allotted lands, and shall be entitled to all the rights and privileges of the tribe enjoyed by full-blood Indians.

Tribal rights.

ARTICLE XIV.

All allotments of lands in severalty to members of the Yankton tribe of Sioux Indians, not yet confirmed by the Government, shall be confirmed as speedily as possible, correcting any errors in same, and Congress shall never pass any act alienating any part of these allotted lands from the Indians.

Allotments to be confirmed.

ARTICLE XV.

The claim of fifty-one Yankton Sioux Indians, who were employed as scouts by General Alf. Sully in 1864, for additional compensation at the rate of two hundred and twenty-five dollars (\$225) each, aggregating the sum of eleven thousand four hundred and seventy-five dollars (\$11,475) is hereby recognized as just, and within ninety days (90) after the ratification of this agreement by Congress the same shall be paid in lawful money of the United States to the said scouts or to their heirs.

Payment of scouts.

ARTICLE XVI.

If the Government of the United States questions the ownership of the Pipestone Reservation by the Yankton Tribe of Sioux Indians, under the treaty of April 19th, 1858, including the fee to the land as well as the right to work the quarries, the Secretary of the Interior shall as speedily as possible refer the matter to the Supreme Court of the United States, to be decided by that tribunal. And the United States shall furnish, without cost to the Yankton Indians, at least one competent attorney to represent the interests of the tribe before the court.

Pipestone Reservation.

Title to be adjudicated.

If the Secretary of the Interior shall not, within one year after the ratification of this agreement by Congress, refer the question of the ownership of the said Pipestone Reservation to the Supreme Court, as provided for above, such failure upon his part shall be construed as, and shall be, a waiver by the United States of all rights to the ownership of the said Pipestone Reservation, and the same shall thereafter be solely the property of the Yankton tribe of the Sioux Indians, including the fee to the land.

## ARTICLE XVII.

Intoxicants prohibited.

No intoxicating liquors nor other intoxicants shall ever be sold or given away upon any of the lands by this agreement ceded and sold to the United States, nor upon any other lands within or comprising the reservations of the Yankton Sioux or Dakota Indians as described in the treaty between the said Indians and the United States, dated April 19th, 1858, and as afterwards surveyed and set off to the said Indians. The penalty for the violation of this provision shall be such as Congress may prescribe in the act ratifying this agreement.

## ARTICLE XVIII.

Former treaty in force.  
Vol. II, p. 318.

Nothing in this agreement shall be construed to abrogate the treaty of April 19th, 1858, between the Yankton tribe of Sioux Indians and the United States. And after the signing of this agreement, and its ratification by Congress, all provisions of the said treaty of April 19th, 1858, shall be in full force and effect, the same as though this agreement had not been made, and the said Yankton Indians shall continue to receive their annuities under the said treaty of April 19th, 1858.

## ARTICLE XIX.

Copy of ratified agreement.

When this agreement shall have been ratified by Congress, an official copy of the act of ratification shall be engrossed, in copying ink, on paper of the size this agreement is written upon, and sent to the Yankton Indian agent to be copied by letter press in the "Agreement Book" of the Yankton Indians.

## ARTICLE XX.

Signing agreement.

For the purpose of this agreement, all young men of the Yankton tribe of Sioux Indians, eighteen years of age or older, shall be considered adults, and this agreement, when signed by a majority of the male adult members of the said tribe, shall be binding upon the Yankton tribe of Sioux Indians. It shall not, however, be binding upon the United States until ratified by the Congress of the United States, but shall as soon as so ratified become fully operative from its date. A refusal by Congress to ratify this agreement shall release the said Yankton Indians under it.

In witness whereof, the said J. C. Adams, John J. Cole, and J. W. French, on the part of the United States, and the chiefs, headmen, and other adult male Indians, on the part of the said Yankton tribe of Sioux or Dakota—spelled also Dacotah—Indians, have hereunto set their hands and affixed their seals.

Done at the Yankton Indian agency, Greenwood, South Dakota, this thirty-first day of December, eighteen hundred and ninety-two (Dec. 31st, 1892).

JAMES C. ADAMS, [SEAL.]  
JOHN J. COLE. [SEAL.]

The foregoing articles of agreement having been read in open council, and fully explained to us, we, the undersigned, chiefs, headmen, and other adult male members of the Yankton tribe of Sioux Indians, do hereby consent and agree to all the stipulations therein contained.

Witness our hands and seals of date as above.

Wicahaokdeun (William T. Selwyn), seal; and others:

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreement be, and the same hereby is, accepted, ratified, and confirmed.

That for the purpose of carrying the provisions of this Act into effect there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of six hundred thousand dollars, or so much thereof as may be necessary, of which amount the sum of five hundred thousand dollars shall be placed to the credit of said tribe in the Treasury of the United States, and shall bear interest at the rate of five per centum per annum from the first day of January, eighteen hundred and ninety-three, said interest to be paid and distributed to said tribe as provided in articles five and six of said agreement. Of the amount herein appropriated one hundred thousand dollars shall be immediately available to be paid to said tribe, as provided in section one of article three of said agreement. There is also hereby appropriated the further sum of ten thousand dollars, or so much thereof as may be necessary, which sum shall be immediately available, to be paid to the adult male members of said tribe, as provided in article seven of said agreement. There is also hereby appropriated the further sum of eleven thousand four hundred and seventy-five dollars, which sum shall be immediately available, to be paid as provided in article fifteen of said agreement: *Provided*, That none of the money to be paid to said Indians under the terms of said agreement, nor any of the interest thereon, shall be subject to the payment of any claims, judgments, or demands against said Indians for damages or depredeations claimed to have been committed prior to the signing of said agreement.

That the lands by said agreement ceded, to the United States shall, upon proclamation by the President, be opened to settlement, and shall be subject to disposal only under the homestead and town-site laws of the United States, excepting the sixteenth and thirty-sixth sections in each Congressional township, which shall be reserved for common-school purposes and be subject to the laws of the State of South Dakota: *Provided*, That each settler on said lands shall, in addition to the fees provided by law, pay to the United States for the land so taken by him the sum of three dollars and seventy-five cents per acre, of which sum he shall pay fifty cents at the time of making his original entry and the balance before making final proof and receiving a certificate of final entry; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States, shall not be abridged except as to the sum to be paid as aforesaid.

That the Secretary of the Interior, upon proper plats and description being furnished, is hereby authorized to issue patents to Charles Picotte and Felix Brunot, and W. T. Selwyn, United States interpreters, for not to exceed one acre of land each, so as to embrace their houses near the agency buildings upon said reservation, but not to embrace any buildings owned by the Government, upon the payment by each of said persons of the sum of three dollars and seventy-five cents.

That every person who shall sell or give away any intoxicating liquors or other intoxicants upon any of the lands by said agreement ceded, or upon any of the lands included in the Yankton Sioux Indian Reservation as created by the treaty of April nineteenth, eighteen hundred and fifty-eight, shall be punishable by imprisonment for not more than two years and by a fine of not more than three hundred dollars.

Agreement confirmed.

Amount placed to credit of Indians.

Interest.

Immediately available.

Presents to adults.

Payments to scouts.

*Provisos.*  
Prior depredeations.

Lands opened to homestead and town site settlement.

*Proviso.*  
Additional payment by settlers.

Soldiers and sailors.  
R. S., secs. 2304, 2305,  
p. 422.

Patents to interpreters.

Sale, etc., of intoxicants prohibited.

Punishment.

## 25 CFR 12.21

This document is current through the May 19, 2026 issue of the Federal Register, with the exception of the amendments appearing at 91 FR 29350 and 91 FR 29254.

*LEXISNEXIS' CODE OF FEDERAL REGULATIONS > Title 25 Indians > Chapter I – Bureau of Indian Affairs, Department of the Interior > Subchapter B – Law and Order > Part 12 – Indian Country Law Enforcement > Subpart C – Authority and Jurisdiction*

### **§ 12.21 What authority is given to Indian country law enforcement officers to perform their duties?**

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BIA law enforcement officers are commissioned under the authority established in 25 U.S.C. 2803. BIA may issue law enforcement commissions to other Federal, State, local and tribal full-time certified law enforcement officers to obtain active assistance in enforcing applicable Federal criminal statutes, including Federal hunting and fishing regulations, in Indian country.

**(a)** BIA will issue commissions to other Federal, State, local and tribal full-time certified law enforcement officers only after the head of the local government or Federal agency completes an agreement with the Commissioner of Indian Affairs asking that BIA issue delegated commissions. The agreement must include language that allows the BIA to evaluate the effectiveness of these special law enforcement commissions and to investigate any allegations of misuse of authority.

**(b)** Tribal law enforcement officers operating under a BIA contract or compact are not automatically commissioned as Federal officers; however, they may be commissioned on a case-by-case basis.

### **Statutory Authority**

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Authority Note Applicable to 25 CFR Ch. I, Subch. B, Pt. 12

### **History**

App. B-3

[62 FR 15610, 15612, April 2, 1997]

LEXISNEXIS' CODE OF FEDERAL REGULATIONS

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## 25 USCS § 2

Current through Public Law 119-73, approved January 23, 2026, with a gap of Public Law 119-70.

*United States Code Service > TITLE 25. INDIANS (Chs. 1 – 51) > CHAPTER 1. BUREAU OF INDIAN AFFAIRS (§§ 1 – 17)*

### **§ 2. Duties of Commissioner**

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The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs and of all matters arising out of Indian relations.

### **History**

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#### **HISTORY:**

R. S. § 463.

United States Code Service

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## 25 USCS § 13

Current through Public Law 119-73, approved January 23, 2026, with a gap of Public Law 119-70.

*United States Code Service* > *TITLE 25. INDIANS (Chs. 1 — 51)* > *CHAPTER 1. BUREAU OF INDIAN AFFAIRS (§§ 1 — 17)*

### **§ 13. Expenditure of appropriations by Bureau**

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The Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care, and assistance of the Indians throughout the United States for the following purposes:

General support and civilization, including education.

For relief of distress and conservation of health.

For industrial assistance and advancement and general administration of Indian property.

For extension, improvement, operation, and maintenance of existing Indian irrigation systems and for development of water supplies.

For the enlargement, extension, improvement, and repair of the buildings and grounds of existing plants and projects.

For the employment of inspectors, supervisors, superintendents, clerks, field matrons, farmers, physicians, Indian police, Indian judges, and other employees.

For the suppression of traffic in intoxicating liquor and deleterious drugs.

For the purchase of horse-drawn and motor-propelled passenger-carrying vehicles for official use.

And for general and incidental expenses in connection with the administration of Indian affairs.

§ 13. Expenditure of appropriations by Bureau

Notwithstanding any other provision of this Act or any other law, postsecondary schools administered by the Secretary of the Interior for Indians, and which meet the definition of an “institution of higher education” under section 101 of the Higher Education Act of 1965 [20 USCS § 1001], shall be eligible to participate in and receive appropriated funds under any program authorized by the Higher Education Act of 1965 [20 USCS §§ 1001 et seq.] or any other applicable program for the benefit of institutions of higher education, community colleges, or postsecondary educational institutions.

## History

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### **HISTORY:**

Nov. 2, 1921, ch 115, 42 Stat. 208; Oct. 12, 1976, P. L. 94-482, Title IV, § 410, 90 Stat. 2233;  
Oct. 7, 1998, P. L. 105-244, Title I, § 102(a)(8)(A), 112 Stat. 1619.

United States Code Service

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## 34 USCS § 20903

Current through Public Law 119-73, approved January 23, 2026, with a gap of Public Law 119-70.

*United States Code Service* > **TITLE 34. CRIME CONTROL AND LAW ENFORCEMENT (§§ 10101 – 61101)** > **Subtitle II. PROTECTION OF CHILDREN AND OTHER PERSONS (§§ 20101 – 21907)** > **CHAPTER 209. CHILD PROTECTION AND SAFETY (§§ 20901 – 20991)** > **SEX OFFENDER REGISTRATION AND NOTIFICATION (§§ 20901 – 20962)**

### **§ 20903. Tribal registry**

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(1) Establishment. The Attorney General shall contract with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop and maintain—

(A) a national tribal sex offender registry; and

(B) a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions.

(2) Authorization of appropriations. There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2014 through 2018, to remain available until expended.

### **History**

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#### **HISTORY:**

Jan. 5, 2006, P. L. 109-162, Title IX, § 905(b), 119 Stat. 3080; March 7, 2013, P. L. 113-4, Title IX, § 907(b), 127 Stat. 125.

## 34 USCS § 20911

Current through Public Law 119-20, approved June 20, 2025.

*United States Code Service > TITLE 34. CRIME CONTROL AND LAW ENFORCEMENT (§§ 10101 – 61101) > Subtitle II. PROTECTION OF CHILDREN AND OTHER PERSONS (§§ 20101 – 21907) > CHAPTER 209. CHILD PROTECTION AND SAFETY (§§ 20901 – 20991) > SEX OFFENDER REGISTRATION AND NOTIFICATION (§§ 20901 – 20962) > SEX OFFENDER REGISTRATION AND NOTIFICATION (§§ 20911 – 20932)*

### **§ 20911. Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators**

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In this title the following definitions apply:

- (1) Sex offender. The term “sex offender” means an individual who was convicted of a sex offense.
- (2) Tier I sex offender. The term “tier I sex offender” means a sex offender other than a tier II or tier III sex offender.
- (3) Tier II sex offender. The term “tier II sex offender” means a sex offender other than a tier III sex offender whose offense is punishable by imprisonment for more than 1 year and—
  - (A) is comparable to or more severe than the following offenses, when committed against a minor, or an attempt or conspiracy to commit such an offense against a minor:
    - (i) sex trafficking (as described in section 1591 of title 18, United States Code [18 USCS § 1591]);
    - (ii) coercion and enticement (as described in section 2422(b) of title 18, United States Code [18 USCS § 2422(b)]);

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(iii) transportation with intent to engage in criminal sexual activity (as described in section 2423(a)) of title 18, United States Code [18 USCS § 2423(a)];

(iv) abusive sexual contact (as described in section 2244 of title 18, United States Code [18 USCS § 2244]);

(B) involves—

(i) use of a minor in a sexual performance;

(ii) solicitation of a minor to practice prostitution; or

(iii) production or distribution of child pornography; or

(C) occurs after the offender becomes a tier I sex offender.

(4) Tier III sex offender. The term “tier III sex offender” means a sex offender whose offense is punishable by imprisonment for more than 1 year and—

(A) is comparable to or more severe than the following offenses, or an attempt or conspiracy to commit such an offense:

(i) aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code [18 USCS §§ 2241 and 2242]); or

(ii) abusive sexual contact (as described in section 2244 of title 18, United States Code [18 USCS § 2244]) against a minor who has not attained the age of 13 years;

(B) involves kidnapping of a minor (unless committed by a parent or guardian); or

(C) occurs after the offender becomes a tier II sex offender.

(5) Amie Zyla expansion of sex offense definition.

(A) Generally. Except as limited by subparagraph (B) or (C), the term “sex offense” means—

§ 20911. Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators

**(i)** a criminal offense that has an element involving a sexual act or sexual contact with another;

**(ii)** a criminal offense that is a specified offense against a minor;

**(iii)** a Federal offense (including an offense prosecuted under section 1152 or 1153 of title 18, United States Code [18 USCS § 1152 or 1153]) under section 1591 [18 USCS § 1591], or chapter 109A [18 USCS §§ 2241 et seq.], 110 [18 USCS §§ 2251 et seq.] (other than section 2257, 2257A, or 2258 [18 USCS § 2257, 227A, or 2258]), or 117 [18 USCS §§ 2421 et seq.], of title 18, United States Code;

**(iv)** a military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951 note); or

**(v)** an attempt or conspiracy to commit an offense described in clauses (i) through (iv).

**(B)** Foreign convictions. A foreign conviction is not a sex offense for the purposes of this title if it was not obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established under section 112 [34 USCS § 20912].

**(C)** Offenses involving consensual sexual conduct. An offense involving consensual sexual conduct is not a sex offense for the purposes of this title if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

**(6)** Criminal offense. The term “criminal offense” means a State, local, tribal, foreign, or military offense (to the extent specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951 note)) or other criminal offense.

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**(7)** Expansion of definition of “specified offense against a minor” to include all offenses by child predators. The term “specified offense against a minor” means an offense against a minor that involves any of the following:

**(A)** An offense (unless committed by a parent or guardian) involving kidnapping.

**(B)** An offense (unless committed by a parent or guardian) involving false imprisonment.

**(C)** Solicitation to engage in sexual conduct.

**(D)** Use in a sexual performance.

**(E)** Solicitation to practice prostitution.

**(F)** Video voyeurism as described in section 1801 of title 18, United States Code [18 USCS § 1801].

**(G)** Possession, production, or distribution of child pornography.

**(H)** Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.

**(I)** Any conduct that by its nature is a sex offense against a minor.

**(8)** Convicted as including certain juvenile adjudications. The term “convicted” or a variant thereof, used with respect to a sex offense, includes adjudicated delinquent as a juvenile for that offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in section 2241 of title 18, United States Code [18 USCS § 2241]), or was an attempt or conspiracy to commit such an offense.

**(9)** Sex offender registry. The term “sex offender registry” means a registry of sex offenders, and a notification program, maintained by a jurisdiction.

**(10)** Jurisdiction. The term “jurisdiction” means any of the following:

**(A)** A State.

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(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.

(D) Guam.

(E) American Samoa.

(F) The Northern Mariana Islands.

(G) The United States Virgin Islands.

(H) To the extent provided and subject to the requirements of section 127 [34 USCS § 20929], a federally recognized Indian tribe.

(11) Student. The term “student” means an individual who enrolls in or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

(12) Employee. The term “employee” includes an individual who is self-employed or works for any other entity, whether compensated or not.

(13) Resides. The term “resides” means, with respect to an individual, the location of the individual’s home or other place where the individual habitually lives.

(14) Minor. The term “minor” means an individual who has not attained the age of 18 years.

## History

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### HISTORY:

July 27, 2006, P. L. 109-248, Title I, Subtitle A, § 111, 120 Stat. 591.

United States Code Service

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§ 20911. Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators

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## 20 USCS § 7701

Current through Public Law 119-95, approved May 29, 2026.

*United States Code Service > TITLE 20. EDUCATION (§§ 1 – 10013) > CHAPTER 70.  
STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS (§§ 6301  
– 8962) > IMPACT AID (§§ 7701 – 7714)*

### **§ 7701. Purpose**

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In order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children in a manner that promotes control by local educational agencies with little or no Federal or State involvement, because certain activities of the Federal Government, such as activities to fulfill the responsibilities of the Federal Government with respect to Indian tribes and activities under section 511 of the Servicemembers Civil Relief Act [50 USCS § 4001], place a financial burden on the local educational agencies serving areas where such activities are carried out, and to help such children meet the same challenging State academic standards, it is the purpose of this title [20 USCS §§ 7701 et seq.] to provide financial assistance to local educational agencies that—

- (1) experience a substantial and continuing financial burden due to the acquisition of real property by the United States;
- (2) educate children who reside on Federal property and whose parents are employed on Federal property;
- (3) educate children of parents who are in the military services and children who live in low-rent housing;
- (4) educate heavy concentrations of children whose parents are civilian employees of the Federal Government and do not reside on Federal property; or

(5) need special assistance with capital expenditures for construction activities because of the enrollments of substantial numbers of children who reside on Federal lands and because of the difficulty of raising local revenue through bond referendums for capital projects due to the inability to tax Federal property.

## History

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### HISTORY:

April 11, 1965, P. L. 89-10, Title VII, § 7001 [Title VIII, § 8001], as added Oct. 20, 1994, P. L. 103-382, Title I, § 101, 108 Stat. 3749; Oct. 30, 2000, P. L. 106-398, § 1, 114 Stat. 1654; Dec. 19, 2003, P. L. 108-189, § 2(f), 117 Stat. 2866; Dec. 10, 2015, P. L. 114-95, Title VII, §§ 7001(c)(1), 7002, 129 Stat. 2074, 2075.

United States Code Service

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## 34 CFR 222.90

This document is current through the June 1, 2026 issue of the Federal Register, with the exception of the amendments appearing at 91 FR 32324, 91 FR 32314 and 91 FR 32357.

*Code of Federal Regulations > Title 34 Education > Subtitle B – Regulations of the Offices of the Department of Education > Chapter II – Office of Elementary and Secondary Education, Department of Education > Part 222 – Impact Aid Programs > Subpart G – Special Provisions for Local Educational Agencies that Claim Children Residing on Indian Lands > General*

### **§ 222.90 What definitions apply to this subpart?**

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In addition to the definitions in § 222.2, the following definitions apply to this subpart:

Indian children means children residing on Indian lands who are recognized by an Indian tribe as being affiliated with that tribe.

Indian tribe means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (85 Stat. 688), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

### **Statutory Authority**

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(20 U.S.C. 7713, 7881, 7938, 8801)

Authority Note Applicable to 34 CFR Subtit. B, Ch. II, Pt. 222

### **History**

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[53 FR 5555, Feb. 24, 1988; 60 FR 50774, 50793, Sept. 29, 1995]

§ 222.90 What definitions apply to this subpart?

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End of Document

## 25 USCS § 1951

Current through Public Law 119-73, approved January 23, 2026, with a gap of Public Law 119-70.

*United States Code Service > TITLE 25. INDIANS (Chs. 1 – 51) > CHAPTER 21. INDIAN CHILD WELFARE (§§ 1901 – 1963) > RECORDKEEPING, INFORMATION AVAILABILITY, AND TIMETABLES (§§ 1951 – 1952)*

### **§ 1951. Information availability to and disclosure by Secretary**

**(a) Copy of final decree or order; other information; anonymity affidavit; exemption from Freedom of Information Act [5 USCS § 552].** Any State court entering a final decree or order in any Indian child adoptive placement after the date of enactment of this Act [enacted Nov. 8, 1978] shall provide the Secretary with a copy of such decree or order together with such other information as may be necessary to show—

- (1)** the name and tribal affiliation of the child;
- (2)** the names and addresses of the biological parents;
- (3)** the names and addresses of the adoptive parents; and
- (4)** the identity of any agency having files or information relating to such adoptive placement.

Where the court records contain an affidavit of the biological parent or parents that their identity remain confidential, the court shall include such affidavit with the other information. The Secretary shall insure that the confidentiality of such information is maintained and such information shall not be subject to the Freedom of Information Act (5 U.S.C. 552), as amended.

**(b) Disclosure of information for enrollment of Indian child in tribe or for determination of member rights or benefits; certification of entitlement to enrollment.** Upon the request of the adopted Indian child over the age of eighteen, the

adoptive or foster parents of an Indian child, or an Indian tribe, the Secretary shall disclose such information as may be necessary for the enrollment of an Indian child in the tribe in which the child may be eligible for enrollment or for determining any rights or benefits associated with that membership. Where the documents relating to such child contain an affidavit from the biological parent or parents requesting anonymity, the Secretary shall certify to the Indian child's tribe, where the information warrants, that the child's parentage and other circumstances of birth entitle the child to enrollment under the criteria established by such tribe.

## **History**

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### **HISTORY:**

Nov. 8, 1978, P. L. 95-608, Title III, § 301, 92 Stat. 3077.

United States Code Service

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## 25 USCS § 1952

Current through Public Law 119-73, approved January 23, 2026, with a gap of Public Law 119-70.

*United States Code Service > TITLE 25. INDIANS (Chs. 1 – 51) > CHAPTER 21. INDIAN CHILD WELFARE (§§ 1901 – 1963) > RECORDKEEPING, INFORMATION AVAILABILITY, AND TIMETABLES (§§ 1951 – 1952)*

### § 1952. Rules and regulations

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Within one hundred and eighty days after the enactment of this Act [enacted Nov. 8, 1978], the Secretary shall promulgate such rules and regulations as may be necessary to carry out the provisions of this Act [25 USCS §§ 1901 et seq.].

### History

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#### HISTORY:

Nov. 8, 1978, P. L. 95-608, Title III, § 302, 92 Stat. 3077.

United States Code Service

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## 25 CFR 23.101

This document is current through the May 19, 2026 issue of the Federal Register, with the exception of the amendments appearing at 91 FR 29350 and 91 FR 29254.

**LEXISNEXIS' CODE OF FEDERAL REGULATIONS > Title 25 Indians > Chapter I – Bureau of Indian Affairs, Department of the Interior > Subchapter D – Human Services > Part 23 – Indian Child Welfare Act > Subpart I – Indian Child Welfare Act Proceedings > General Provisions**

### **§ 23.101 What is the purpose of this subpart?**

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The regulations in this subpart clarify the minimum Federal standards governing implementation of the Indian Child Welfare Act (ICWA) to ensure that ICWA is applied in all States consistent with the Act's express language, Congress's intent in enacting the statute, and to promote the stability and security of Indian tribes and families.

### **Statutory Authority**

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Authority Note Applicable to 25 CFR Ch. I, Subch. D, Pt. 23

### **History**

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[81 FR 38778, 38867, June 14, 2016]

LEXISNEXIS' CODE OF FEDERAL REGULATIONS

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# YANKTON SIOUX TRIBAL CODE

Last Revised: 1995

## TITLE II - YANKTON SIOUX TRIBAL RULES OF CRIMINAL PROCEDURE

### **Rule 33. Extraditions**

A. Any tribal judge, upon request of the Tribal Chairman, shall, upon receipt of certified copies of a complaint, information or indictment, and arrest warrant plus a request to extradite from the executive authority of any Tribal, state or federal government, cause to be arrested and delivered to such executive authority, any person subject to the jurisdiction of the Yankton Sioux Tribe who is charged with a felony and who has fled from justice and is seeking to use the Reservation as a refuge.

B. Hearing. If any person arrested as provided in the above section so demands, he shall be taken to the Yankton Sioux Tribal Court, where the judge shall hold a hearing, and if it appears that there is no probable cause to believe the defendant guilty of the crime with which he is charged off the Reservation, the judge shall order the defendant released from custody.

C. The Tribal Council shall be the only entity which may request the extradition to the Reservation of any person otherwise subject to the Yankton Sioux Tribal Court who has committed a Class A or Class B offense on the Reservation and thereafter fled from the Reservation to avoid prosecution.

## 25 USCS § 177

Current through Public Law 119-95, approved May 29, 2026.

*United States Code Service > TITLE 25. INDIANS (Chs. 1 – 51) > CHAPTER 5. PROTECTION OF INDIANS (§§ 171 – 202)*

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

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No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution.

Every person who, not being employed under the authority of the United States, attempts to negotiate such treaty or convention, directly or indirectly, or to treat with any such nation or tribe of Indians for the title or purchase of any lands by them held or claimed, is liable to a penalty of \$1,000. The agent of any State who may be present at any treaty held with Indians under the authority of the United States, in the presence and with the approbation of the commissioner of the United States appointed to hold the same, may, however, propose to, and adjust with, the Indians the compensation to be made for their claim to lands within such State, which shall be extinguished by treaty.

### **History**

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#### **HISTORY:**

R. S. § 2116.

United States Code Service

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February 22, 1889.

**CHAP. 180.**—An act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the inhabitants of all that part of the area of the United States now constituting the Territories of Dakota, Montana, and Washington, as at present described, may become the States of North Dakota, South Dakota, Montana, and Washington, respectively, as hereinafter provided.*

**SEC. 2.** The area comprising the Territory of Dakota shall, for the purposes of this act, be divided on the line of the seventh standard parallel produced due west to the western boundary of said Territory; and the delegates elected as hereinafter provided to the constitutional convention in districts north of said parallel shall assemble in convention, at the time prescribed in this act, at the city of Bismarck; and the delegates elected in districts south of said parallel shall, at the same time, assemble in convention at the city of Sioux Falls.

**SEC. 3.** That all persons who are qualified by the laws of said Territories to vote for representatives to the legislative assemblies thereof, are hereby authorized to vote for and choose delegates to form conventions in said proposed States; and the qualifications for delegates to such conventions shall be such as by the laws of said Territories respectively persons are required to possess to be eligible to the legislative assemblies thereof; and the aforesaid delegates to form said conventions shall be apportioned within the limits of the proposed States, in such districts as may be established as herein provided, in proportion to the population in each of said counties and districts, as near as may be, to be ascertained at the time of making said apportionments by the persons hereinafter authorized to make the same, from the best information obtainable, in each of which districts three delegates shall be elected, but no elector shall vote for more than two persons for delegates to such conventions; that said apportionments shall be made by the governor, the chief-justice, and the secretary of said Territories; and the governors of said Territories shall, by proclamation, order an election of the delegates aforesaid in each of said proposed States, to be held on the Tuesday after the second Monday in May, eighteen hundred and eighty-nine, which proclamation shall be issued on the fifteenth day of April, eighteen hundred and eighty-nine; and such election shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such convention issued in the same manner as is prescribed by the laws of the said Territories regulating elections therein for Delegates to Congress; and the number of votes cast for delegates in each precinct shall also be returned. The number of delegates to said conventions respectively shall be seventy-five; and all persons resident in said proposed States, who are qualified voters of said Territories as herein provided, shall be entitled to vote upon the election of delegates, and under such rules and regulations as said conventions may prescribe, not in conflict with this act, upon the ratification or rejection of the constitutions.

**SEC. 4.** That the delegates to the conventions elected as provided for in this act shall meet at the seat of government of each of said Territories, except the delegates elected in South Dakota, who shall meet at the city of Sioux Falls, on the fourth day of July, eighteen hundred and eighty-nine, and, after organization, shall declare, on behalf of the people of said proposed States, that they adopt the Constitution of the United States; whereupon the said conventions shall be, and are hereby, authorized to form constitutions and States governments for said proposed States, respectively. The constitutions shall be republican in form, and make no distinction in civil or

political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said conventions shall provide, by ordinances irrevocable without the consent of the United States and the people of said States:

First. That perfect toleration of religious sentiment shall be secured and that no inhabitant of said States shall ever be molested in person or property on account of his or her mode of religious worship.

Second. That the people inhabiting said proposed States do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the said States shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the States on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein, or in the ordinances herein provided for, shall preclude the said States from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; but said ordinances shall provide that all such lands shall be exempt from taxation by said States so long and to such extent as such act of Congress may prescribe.

Third. That the debts and liabilities of said Territories shall be assumed and paid by said States, respectively.

Fourth. That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of said States, and free from sectarian control.

SEC. 5. That the convention which shall assemble at Bismarck shall form a constitution and State government for a State to be known as North Dakota, and the convention which shall assemble at Sioux Falls shall form a constitution and State government for a State to be known as South Dakota: *Provided*, That at the election for delegates to the constitutional convention in South Dakota, as hereinbefore provided, each elector may have written or printed on his ballot the words "For the Sioux Falls constitution," or the words "against the Sioux Falls constitution," and the votes on this question shall be returned and canvassed in the same manner as for the election provided for in section three of this act; and if a majority of all votes cast on this question shall be "for the Sioux Falls constitution" it shall be the duty of the convention which may assemble at Sioux Falls, as herein provided, to resubmit to the people of South Dakota, for ratification or rejection at the election hereinafter provided for in this act, the constitution framed at Sioux Falls and adopted November third, eighteen hundred and eighty-five, and also the articles and propositions separately submitted at that election, including the question of locating the temporary seat of government, with such changes only as relate to the name and boundary of the proposed State, to the re-apportionment of the judicial and legislative districts, and such amendments as may be necessary in order to comply with the provisions of this act; and if a majority of the votes cast on the ratification or rejection of the constitution shall be for the constitution irrespective of the articles separately submitted, the State of South Dakota

Religious freedom.

Renunciation of public lands.

Taxation of lands.

Taxing lands of Indians.

Territorial debts.

Public schools.

North Dakota.

South Dakota. *Proviso.*

Vote on "Sioux Falls constitution."

To be resubmitted

shall be admitted as a State in the Union under said constitution as hereinafter provided; but the archives, records, and books of the Territory of Dakota shall remain at Bismarck, the capital of North Dakota, until an agreement in reference thereto is reached by said States. But if at the election for delegates to the constitutional convention in South Dakota a majority of all the votes cast at that election shall be "against the Sioux Falls constitution", then and in that event it shall be the duty of the convention which will assemble at the city of Sioux Falls on the fourth day of July, eighteen hundred and eighty-nine, to proceed to form a constitution and State government as provided in this act the same as if that question had not been submitted to a vote of the people of South Dakota.

**SEC. 6.** It shall be the duty of the constitutional conventions of North Dakota and South Dakota to appoint a joint commission, to be composed of not less than three members of each convention, whose duty it shall be to assemble at Bismarck, the present seat of government of said Territory, and agree upon an equitable division of all property belonging to the Territory of Dakota, the disposition of all public records, and also adjust and agree upon the amount of the debts and liabilities of the Territory, which shall be assumed and paid by each of the proposed States of North Dakota and South Dakota; and the agreement reached respecting the Territorial debts and liabilities shall be incorporated in the respective constitutions, and each of said States shall obligate itself to pay its proportion of such debts and liabilities the same as if they had been created by such States respectively.

**SEC. 7.** If the constitutions formed for both North Dakota and South Dakota shall be rejected by the people at the elections for the ratification or rejection of their respective constitutions as provided for in this act, the Territorial government of Dakota shall continue in existence the same as if this act had not been passed. But if the constitution formed for either North Dakota or South Dakota shall be rejected by the people, that part of the Territory so rejecting its proposed constitution shall continue under the Territorial government of the present Territory of Dakota, but shall, after the State adopting its constitution is admitted into the Union, be called by the name of the Territory of North Dakota or South Dakota, as the case may be: *Provided*, That if either of the proposed States provided for in this act shall reject the constitution which may be submitted for ratification or rejection at the election provided therefor, the governor of the Territory in which such proposed constitution was rejected shall issue his proclamation reconvening the delegates elected to the convention which formed such rejected constitution, fixing the time and place at which said delegates shall assemble; and when so assembled they shall proceed to form another constitution or to amend the rejected constitution, and shall submit such new constitution or amended constitution to the people of the proposed State for ratification or rejection, at such time as said convention may determine; and all the provisions of this act, so far as applicable, shall apply to such convention so reassembled and to the constitution which may be formed, its ratification or rejection, and to the admission of the proposed State.

**SEC. 8.** That the constitutional convention which may assemble in South Dakota shall provide by ordinance for resubmitting the Sioux Falls constitution of eighteen hundred and eighty-five, after having amended the same as provided in section five of this act, to the people of South Dakota for ratification or rejection at an election to be held therein on the first Tuesday in October, eighteen hundred and eighty-nine; but if said constitutional convention is authorized and required to form a new constitution for South Dakota it shall provide for submitting the same in like manner to the people of South Dakota for ratification or rejection at an election to be held in said

Archives, etc.

Adoption of new constitution.

Joint commission to divide property of Dakota Territory.

Territorial government to continue if constitution rejected.

Provisions in case of rejection by either North or South Dakota.

Proviso.

Reconvening of delegates to form new constitution.

South Dakota. Submission of constitution for ratification.

proposed State on the said first Tuesday in October. And the constitutional conventions which may assemble in North Dakota, Montana, and Washington shall provide in like manner for submitting the constitutions formed by them to the people of said proposed States, respectively, for ratification or rejection at elections to be held in said proposed States on the said first Tuesday in October. At the elections provided for in this section the qualified voters of said proposed States shall vote directly for or against the proposed constitutions, and for or against any articles or propositions separately submitted. The returns of said elections shall be made to the secretary of each of said Territories, who, with the governor and chief-justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast shall be for the constitution the governor shall certify the result to the President of the United States, together with a statement of the votes cast thereon and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitutions and governments of said proposed States are republican in form, and if all the provisions of this act have been complied with in the formation thereof, it shall be the duty of the President of the United States to issue his proclamation announcing the result of the election in each, and thereupon the proposed States which have adopted constitutions and formed State governments as herein provided shall be deemed admitted by Congress into the Union under and by virtue of this act on an equal footing with the original States from and after the date of said proclamation.

North Dakota, Montana, and Washington.

Vote on constitution.

Canvass of returns.

Certifying result.

Proclamation of admission by President.

SEC. 9. That until the next general census, or until otherwise provided by law, said States shall be entitled to one Representative in the House of Representatives of the United States, except South Dakota, which shall be entitled to two; and the Representatives to the Fifty-first Congress, together with the governors and other officers provided for in said constitutions, may be elected on the same day of the election for the ratification or rejection of the constitutions; and until said State officers are elected and qualified under the provisions of each constitution and the States, respectively, are admitted into the Union, the Territorial officers shall continue to discharge the duties of their respective offices in each of said Territories.

Representation in Congress.

Election.

SEC. 10. That upon the admission of each of said States into the Union sections numbered sixteen and thirty-six in every township of said proposed States, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said States for the support of common schools, such indemnity lands to be selected within said States in such manner as the legislature may provide, with the approval of the Secretary of the Interior: *Provided*, That the sixteenth and thirty-sixth sections embraced in permanent reservations for national purposes shall not, at any time, be subject to the grants nor to the indemnity provisions of this act, nor shall any lands embraced in Indian, military, or other reservations of any character be subject to the grants or to the indemnity provisions of this act until the reservation shall have been extinguished and such lands be restored to, and become a part of, the public domain.

School lands granted to States.

Proviso. Lands in reservations excepted.

SEC. 11. That all lands herein granted for educational purposes shall be disposed of only at public sale, and at a price not less than ten dollars per acre, the proceeds to constitute a permanent school-fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislatures shall prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person

Sale of school lands.

Lease.

or company; and such land shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

Lands for public buildings.

SEC. 12. That upon the admission of each of said States into the Union, in accordance with the provisions of this act, fifty sections of the unappropriated public lands within said States, to be selected and located in legal subdivisions as provided in section ten of this act, shall be, and are hereby, granted to said States for the purpose of erecting public buildings at the capital of said States for legislative, executive, and judicial purposes.

Five per cent. of proceeds of public lands to be paid to States.

SEC. 13. That five per centum of the proceeds of the sales of public lands lying within said States which shall be sold by the United States subsequent to the admission of said States into the Union, after deducting all the expenses incident to the same, shall be paid to the said States, to be used as a permanent fund, the interest of which only shall be expended for the support of common schools within said States, respectively.

University lands to vest in States.  
Vol. 21, p. 326.

SEC. 14. That the lands granted to the Territories of Dakota and Montana by the act of February eighteenth, eighteen hundred and eighty-one, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes," are hereby vested in the States of South Dakota, North Dakota, and Montana, respectively, if such States are admitted into the Union, as provided in this act, to the extent of the full quantity of seventy-two sections to each of said States, and any portion of said lands that may not have been selected by either of said Territories of Dakota or Montana may be selected by the respective States aforesaid; but said act of February eighteenth, eighteen hundred and eighty-one, shall be so amended as to provide that none of said lands shall be sold for less than ten dollars per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said States severally, and the income thereof be used exclusively for university purposes. And such quantity of the lands authorized by the fourth section of the act of July seventeenth, eighteen hundred and fifty-four, to be reserved for university purposes in the Territory of Washington, as, together with the lands confirmed to the vendees of the Territory by the act of March fourteenth, eighteen hundred and sixty-four, will make the full quantity of seventy-two entire sections, are hereby granted in like manner to the State of Washington for the purposes of a university in said State. None of the lands granted in this section shall be sold at less than ten dollars per acre; but said lands may be leased in the same manner as provided in section eleven of this act. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said States, respectively, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university. The section of land granted by the act of June sixteenth, eighteen hundred and eighty, to the Territory of Dakota, for an asylum for the insane shall, upon the admission of said State of South Dakota into the Union, become the property of said State.

Minimum price for lands.

University lands to Washington.  
Vol. 10, p. 305.

Vol. 13, p. 23.

To be under exclusive State control.

Insane asylum, South Dakota.  
Vol. 21, p. 290.

Penitentiaries, South Dakota.  
Vol. 21, p. 378.

North Dakota and Washington.

SEC. 15. That so much of the lands belonging to the United States as have been acquired and set apart for the purpose mentioned in "An act appropriating money for the erection of a penitentiary in the Territory of Dakota," approved March second, eighteen hundred and eighty-one, together with the buildings thereon, be, and the same is hereby, granted, together with any unexpended balances of the moneys appropriated therefor by said act, to said State of South Dakota, for the purposes therein designated; and the States of North Dakota and Washington shall, respectively, have like grants for the

same purpose, and subject to like terms and conditions as provided in said act of March second, eighteen hundred and eighty-one, for the Territory of Dakota. The penitentiary at Deer Lodge City, Montana, and all lands connected therewith and set apart and reserved therefor, are hereby granted to the State of Montana.

Montana.

SEC. 16. That ninety thousand acres of land, to be selected and located as provided in section ten of this act, are hereby granted to each of said States, except to the State of South Dakota, to which one hundred and twenty thousand acres are granted, for the use and support of agricultural colleges in said States, as provided in the acts of Congress making donations of lands for such purpose.

Lands for agricultural colleges.

Vol. 12, p. 503.

SEC. 17. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September fourth, eighteen hundred and forty-one, which act is hereby repealed as to the States provided for by this act, and in lieu of any claim or demand by the said States, or either of them, under the act of September twenty-eighth, eighteen hundred and fifty, and section twenty-four hundred and seventy-nine of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the States provided for in this act, and in lieu of any grant of saline lands to said States, the following grants of land are hereby made, to wit:

Lands for internal improvements.  
Vol. 5, p. 455.

Vol. 9, p. 520.  
R. S., sec. 2479, p. 4f

To the State of South Dakota: For the school of mines, forty thousand acres; for the reform school, forty thousand acres; for the deaf and dumb asylum, forty thousand acres; for the agricultural college, forty thousand acres; for the university, forty thousand acres; for State normal schools, eighty thousand acres; for public buildings at the capital of said State, fifty thousand acres, and for such other educational and charitable purposes as the legislature of said State may determine, one hundred and seventy thousand acres; in all five hundred thousand acres.

South Dakota.

To the State of North Dakota a like quantity of land as is in this section granted to the State of South Dakota, and to be for like purposes, and in like proportion as far as practicable.

North Dakota.

To the State of Montana: For the establishment and maintenance of a school of mines, one hundred thousand acres; for State normal schools, one hundred thousand acres; for agricultural colleges, in addition to the grant hereinbefore made for that purpose, fifty thousand acres; for the establishment of a State reform school, fifty thousand acres; for the establishment of a deaf and dumb asylum, fifty thousand acres; for public buildings at the capital of the State, in addition to the grant hereinbefore made for that purpose, one hundred and fifty thousand acres.

Montana.

To the State of Washington: For the establishment and maintenance of a scientific school, one hundred thousand acres; for State normal schools, one hundred thousand acres; for public buildings at the State capital, in addition to the grant hereinbefore made for that purpose, one hundred thousand acres; for State charitable, educational, penal, and reformatory institutions, two hundred thousand acres.

Washington.

That the States provided for in this act shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act. And the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purposes herein mentioned, in such manner as the legislatures of the respective States may severally provide.

No further grants.

To be for specified uses only.

SEC. 18. That all mineral lands shall be exempted from the grants made by this act. But if sections sixteen and thirty-six, or any subdivision or portion of any smallest subdivision thereof in any township shall be found by the Department of the Interior to be mineral lands, said States are hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands

Mineral lands exempt.

Lands in lieu.

in said States, in lieu thereof, for the use and the benefit of the common schools of said States.

Selections to be under direction of Secretary of the Interior.

SEC. 19. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the surveyed, unreserved, and unappropriated public lands of the United States within the limits of the respective States entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects to said States the number of acres in each heretofore donated by Congress to said Territories for similar objects.

Appropriation for convention expenses.

SEC. 20. That the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to each of said Territories for defraying the expenses of the said conventions, except to Dakota, for which the sum of forty thousand dollars is so appropriated, twenty thousand dollars each for South Dakota and North Dakota, and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial legislatures. Any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

Circuit and district courts established.

SEC. 21. That each of said States, when admitted as aforesaid, shall constitute one judicial district, the names thereof to be the same as the names of the States, respectively; and the circuit and district courts therefor shall be held at the capital of such State for the time being, and each of said districts shall, for judicial purposes, until otherwise provided, be attached to the eighth judicial circuit, except Washington and Montana, which shall be attached to the ninth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judge of each of said districts shall receive a yearly salary of three thousand five hundred dollars, payable in four equal installments, on the first days of January, April, July, and October of each year, and shall reside in the district. There shall be appointed clerks of said courts in each district, who shall keep their offices at the capital of said State. The regular terms of said courts shall be held in each district, at the place aforesaid, on the first Monday in April and the first Monday in November of each year, and only one grand jury and one petit jury shall be summoned in both said circuit and district courts. The circuit and district courts for each of said districts, and the judges thereof, respectively, shall possess the same powers and jurisdiction, and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The Marshal, district attorney, and clerks of the circuit and district courts of each of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States; and shall, for the services they may perform, receive the fees and compensation allowed by law to other similar officers and persons performing similar duties in the State of Nebraska.

Judge, attorney, marshal.

Clerks.  
Terms.

Jurisdiction, etc.

Powers of officers.

Fees.

Cases pending in Supreme Court.

Final proceedings.

SEC. 22. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of either of the Territories mentioned in this act, or that may hereafter lawfully be prosecuted upon any record from either of said courts may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court hereby established within the State succeeding the Territory from

which such record is or may be pending, or to the supreme court of such State, as the nature of the case may require: *Provided*, That the mandate of execution or of further proceedings shall, in cases arising in the Territory of Dakota, be directed by the Supreme Court of the United States to the circuit or district court of the district of South Dakota, or to the supreme court of the State of South Dakota, or to the circuit or district court of the district of North Dakota, or to the supreme court of the State of North Dakota, or to the supreme court of the Territory of North Dakota, as the nature of the case may require. And each of the circuit, district, and State courts, herein named, shall, respectively, be the successor of the supreme court of the Territory, as to all such cases arising within the limits embraced within the jurisdiction of such courts respectively with full power to proceed with the same, and award mesne or final process therein; and that from all judgments and decrees of the supreme court of either of the Territories mentioned in this act, in any case arising within the limits of any of the proposed States prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they shall have had by law prior to the admission of said State into the Union.

SEC. 23. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of either of the Territories mentioned in this act at the time of the admission into the Union of either of the States mentioned in this act, and arising within the limits of any such State, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory; and in respect to all other cases, proceedings and matters pending in the supreme or district courts of any of the Territories mentioned in this act at the time of the admission of such Territory into the Union, arising within the limits of said proposed State, the courts established by such state shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases, shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause or proceeding now pending, or that prior to the admission of any of the States mentioned in this act, shall be pending in any Territorial court in any of the Territories mentioned in this act, shall abate by the admission of any such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district or State court, as the case may be: *Provided, however*, That in all civil actions, causes, and proceedings, in which the United States is not a party, transfers shall not be made to the circuit and district courts of the United States, except upon written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper State courts.

SEC. 24. That the constitutional conventions may, by ordinance, provide for the election of officers for full State governments, including members of the legislatures and Representatives in the Fifty-first Congress; but said State governments shall remain in abeyance until the States shall be admitted into the Union, respectively, as provided in this act. In case the constitution of any of said proposed States shall be ratified by the people, but not otherwise, the legislature thereof may assemble, organize, and elect two Senators of the United States; and the governor and secretary of state of such proposed State shall certify the election of the Senators and Representatives in the manner required by law; and when such State is admitted

*Proviso.*

Dakota causes.

Supreme Territorial courts to be succeeded by circuit, district, and State courts.

Judgments prior to admission.

Transfer of pending actions.

Circuit and district courts.

State courts.

Transfer of files, records, etc.

Writs, etc., not to abate.

*Proviso.*  
Request for trial in federal courts.

Election for full State governments.

Election of Senators.

Existing laws. into the Union, the Senators and Representatives shall be entitled to be admitted to seats in Congress, and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the State governments formed in pursuance of said constitutions, as provided by the constitutional conventions, shall proceed to exercise all the functions of such State officers; and all laws in force made by said Territories, at the time of their admission into the Union, shall be in force in said States, except as modified or changed by this act or by the constitutions of the States, respectively.

Repeal provision. SEC. 25. That all acts or parts of acts in conflict with the provisions of this act, whether passed by the legislatures of said Territories or by Congress, are hereby repealed.

Approved, February 22, 1889.

February 23, 1889. CHAP. 201.—An act granting the title of the United States in certain lands to the county of Randolph and State of Illinois, on certain conditions.

Randolph County, Ill. Public lands granted to. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all right, title, and interest of the United States in and to all lands in the Mississippi bottom, between the line of bluffs and the Mississippi River, in the county of Randolph and State of Illinois, be, and the same are hereby, granted to the said county of Randolph: *Provided,* That the legal authorities of said county, on the discovery of any such lands within said boundaries, shall have the same surveyed at the expense of said county, and file plats of said surveys with the Commissioner of the General Land Office, at Washington, District of Columbia. If, upon examination by said Commissioner, it shall appear that the title of the United States has not heretofore been alienated in any tract shown on said plat or plats, he shall so notify the authorities of said county; and upon payment by the authorities of said county into the Treasury of the United States of the sum of one dollar and twenty-five cents for every acre shown on said plat or plats, it shall be the duty of said Commissioner of the General Land Office to prepare and have executed patents for every tract so paid for, and to deliver the same on application to the legal authorities of said county: *Provided further,* That nothing in this act shall be so construed as to include any accretions formed to lands bordering on the Mississippi River and owned by private individuals.

Provisos. Survey. Purchase. Patents. Private rights not affected.

Approved, February 23, 1889.

February 23, 1889. CHAP. 202.—An act granting the right of way to the Yankton and Missouri Valley Railway Company through the Yankton Indian Reservation in Dakota.

Yankton and Missouri Valley Railway Company granted right of way through Yankton Indian Reservation, Dak. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Yankton and Missouri Valley Railway Company, a corporation duly organized under the laws of the Territory of Dakota, its successors or assigns, are hereby invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Yankton Indian Reservation in said Territory, beginning at any point to be selected by said railway company on the east line of said reservation between the northeast corner thereof and a point one mile south of the junction of the west fork of Choteau Creek with the east fork thereof, and running thence westerly or northwesterly through said reservation, but at no point farther than fifteen miles to the south of the northernly boundary thereof: *Provided,* That if said right of way be so located

Location. Proviso.