V. ACTIONS (Cont'd)

91. Form of remedy.
92. Persons entitled to sue and parties.
93. Conditions precedent.
94. Defenses.
95. Settlement with third party as bar to action.
96. Time to sue.
97. Pleading.
98. Evidence.
99. — In general.
100. — Presumptions and burden of proof.
101. — Admissibility.
102. — Weight and sufficiency.
103. Instructions.
104. Questions for jury.
105. Verdict and findings.
106. Judgment and enforcement thereof.

VI. RIGHTS AND REMEDIES OF INDEMNITOR.

110. In general.
111. Discharge.
112. Actions between indemnitee and indem­nitor.

209. INDIANS

SUBJECTS INCLUDED

Status, rights, and disabilities of Indians and other native peoples of North America
Regulation and protection of such persons and their property, real and personal, and their religious and cultural sites, items, and practices
Leasing, sale, and other alienation of Indian lands
Administrative agencies, officers, and agents dealing with Indians
Domestic relations, issues peculiar to Indians and Indian children
Tribes and government of Indian country and the reservations, including tribal courts
Laws and regulations promulgated by tribal governments

Treaties with the United States and others
Indian gaming, establishment and regulation
Actions in state or federal court against or involving Indians and tribes, as to issues peculiar to them
Sovereign immunity of Indian tribes and officials
Regulation of intoxicating liquor in Indian country and on the reservations
Indian hunting and fishing rights, mineral and oil rights, and water rights
Offenses and prosecutions involving Indians or other persons in Indian country and on the reservations
Proceedings in tribal courts and agencies

SUBJECTS EXCLUDED AND COVERED BY OTHER TOPICS

Federal and state laws and the application thereof to Indians or tribes, but as to which that status is neither determinative nor relevant, see other topics
State motor vehicle laws applied to Indians and on the reservations, see AUTOMOBILES
Comity afforded to tribal court judgments, see COURTS
Concurrent state-tribal court jurisdiction, see COURTS & 530
Condemnation and the “taking” of Indian lands under the Fifth Amendment, see EMINENT DOMAIN
Judicial notice of the laws and customs of Indians, see EVIDENCE & 36
Federal question jurisdiction in cases involving Indians or Indian lands, see FEDERAL COURTS & 195
Habeas corpus affecting Indians or proceedings in tribal courts, see HABEAS CORPUS
Taxes imposed by the Federal Government or the states upon Indians or their tribes, see INTERNAL REVENUE and TAXATION
Enforcement of tribal court judgments in non-tribal courts, see JUDGMENT & 832.5
Indian customs as to marriage, see MARRIAGE
General water law principles applied to the ownership or transfer of submerged Indian lands, see NAVIGABLE WATERS
Lands derived from Indians, titles to, see PUBLIC LANDS
Claims against the United States under laws relating to Indians, see UNITED STATES
Testamentary capacity of Indians, see WILLS
Assertion of sovereign immunity by a tribe against a subpoena asking for documents, see WITNESSES

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II. TREATIES IN GENERAL, $\equiv$121–125.
III. PROTECTION OF PERSONS AND PERSONAL RIGHTS; DOMESTIC RELATIONS, $\equiv$126–149.
IV. REAL PROPERTY, $\equiv$150–209.
V. GOVERNMENT OF INDIAN COUNTRY, RESERVATIONS, AND TRIBES IN GENERAL, $\equiv$210–229.
VI. ACTIONS, $\equiv$230–259.
VII. OFFENSES AND PROSECUTIONS, $\equiv$260–319.
(A) IN GENERAL, $\equiv$260–269.
(B) JURISDICTION AND POWER TO ENFORCE CRIMINAL LAWS, $\equiv$270–299.
(C) PROCEDURE AND PUNISHMENT, $\equiv$300–319.
VIII. INTOXICATING LIQUORS, $\equiv$320–329.
IX. GAMING, $\equiv$330–349.
X. HUNTING, FISHING, AND SIMILAR RIGHTS, $\equiv$350–399.
XI. PROCEEDINGS IN TRIBAL COURTS AND AGENCIES, $\equiv$400–662.
(A) IN GENERAL, $\equiv$400–409.
(B) ADMINISTRATIVE PROCEEDINGS, $\equiv$410–499.
(C) CIVIL ACTIONS AND PROCEEDINGS, $\equiv$500–599.
(D) CRIMINAL PROSECUTIONS AND PROCEEDINGS, $\equiv$600–649.
(E) JURY, $\equiv$650–659.
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I. IN GENERAL.

100. In general.
101. Who are Indians or Native Americans. For purposes of criminal offenses and prosecutions, see $\equiv$262.
102. Status of Indian nations or tribes.
103. — In general.
104. — Federal recognition.
105. — Trust relationship; fiduciary duty of United States.

Monetary claims against the United States for breach of fiduciary duty, see UNITED STATES.
106. Authority over and regulation of tribes in general.
107. Constitutional and statutory provisions.
108. — In general.
109. — Purpose and construction.
110. — Validity.
111. — Retroactivity.
112. Administrative agencies, officers, and agents.
113. — In general.
114. — Appointment and tenure.
115. — Compensation, expenses, and reimbursement.
116. — Authority in general.
117. — Duties and liabilities.
118. — Administrative proceedings. Tribal agency proceedings, see XI.
119. Status and disabilities of Indians in general.
120. Regulation of intercourse with Indians. See also, COMMERCE $\equiv$6.

II. TREATIES IN GENERAL.

121. In general.
122. Validity.
123. Alteration or abrogation in general.
124. Construction and operation.
125. Descendants of signatory tribes.

III. PROTECTION OF PERSONS AND PERSONAL RIGHTS; DOMESTIC RELATIONS.

126. In general.
127. Constitutional and statutory provisions.
128. — In general.
129. — Purpose and construction.
130. — Validity.
131. Domestic relations, marriage and dissolution of marriage in general. See also DIVORCE and MARRIAGE.

132. Infants. See also INFANTS.
133. — In general.
134. — Dependent children; termination of parental rights.
   (1). In general.
   (2). “Active efforts” requirement.
   (3). Jurisdiction; state or tribal court.
III. PROTECTION OF PERSONS AND PERSONAL RIGHTS; DOMESTIC RELATIONS.(Cont'd)

(4). Actions and proceedings in general.
(5). Notice of pending state proceedings and right to intervene.
135. — Juvenile delinquency and youthful offenders.
136. — Child custody.  
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137. — Child support.  
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138. — Adoption of persons.  
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139. Financial assistance, support, and supplies.
140. Education and training.
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(1). In general.  
(2). Trust funds and payments.
142. Contracts.  
(1). In general.  
(2). Legal services.
143. Liabilities for depredations and injuries to property.  
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144. Religious and cultural sites, items, and practices.
145. Eligibility to vote.
146. Eligibility for office, public employment, or service.
147. Admission to citizenship.
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149. Penalties under laws relating to Indians.

IV. REAL PROPERTY.  
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150. In general.
151. Title and rights to Indian lands in general.  
General water law principles applied to the ownership or transfer of submerged Indian lands, see NAVIGABLE WATERS.
152. Land held in trust in general.
153. Loss or termination of rights in general; extinguishment.
154. Treaties, construction, and operation in general.
155. Cession by treaties.

IV. REAL PROPERTY.(Cont'd)

156. Reservations or grants to Indian nations or tribes.
157. — In general.
158. — Lands included and boundaries; appropriation and diminishment.
159. — Disestablishment and termination.
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162. — In general.
163. — Lands subject.
164. — Persons entitled; enrollment and record thereof.  
(1). In general.  
(2). Evidence.
165. — Preferential rights.
166. — Homestead as including allotment.
167. — Incompetent allottees.
168. — Patents.
169. — Cancellation of allotments.
170. — Operation and effect.  
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171. Alaska native claims settlement.  
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172. Alienation in general.
173. — In general.
174. — Approval by, or through, federal authorities in general.
175. — Allotments.
176. Leases.
177. — In general.
178. — Power to lease lands and validity in general.
179. — Supervision by federal officers.
180. — Construction and operation in general.
181. — Duration and termination.
182. — Assignment, subletting, or other transfer.
183. — Rent and recovery thereof.
184. — Recovery of possession of demised premises.
185. — Improvements.
186. — Rights and liabilities of tenant under invalid lease.
187. Rights of way and easements.
188. Water rights and management.
189. — In general.
IV. REAL PROPERTY. (Cont'd)

190. — Amount, measure, and allowable purposes.
191. Mineral rights and management.
192. — In general.
193. — Leases in general.
194. — Oil and gas.
195. Cutting and sale of timber.
196. Descent and distribution.
197. — In general.
198. — Allotments.
199. Trespass.
   See also TRESPASS.
200. Execution; judicial sale.
201. Adverse possession and improvements by intruders.

V. GOVERNMENT OF INDIAN COUNTRY, RESERVATIONS, AND TRIBES IN GENERAL. (Cont'd)

227. Tribal zoning, planning, and building regulations; housing authorities.
   See also ZONING AND PLANNING.
228. Native village corporations.
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VI. ACTIONS.

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230. In general.
231. Rights of action.
232. — In general.
233. — Statutory.
234. Sovereign immunity.
235. — In general.
236. — Tribal officers and officials.
237. Standing.
238. Jurisdiction.
239. — In general.
240. — Federal courts.
   Federal question jurisdiction, see FEDERAL COURTS.
241. — State courts.
   State courts acting as federal agencies in the approval of alienation of Indian lands, see §172.
   (1). In general.
   (2). Probate jurisdiction.
242. Conditions precedent; exhaustion.
243. — In general.
244. — Exhaustion of tribal court remedies.
245. Limitations and laches.
   Computation, accrual, and tolling of statutes of limitations, see LIMITATION OF ACTIONS.
246. Parties.
   See also FEDERAL CIVIL PROCEDURE II.
248. Pleading.
249. Evidence.
250. Trial.
252. Appeal or other review.
253. Costs.

VII. OFFENSES AND PROSECUTIONS.

Crimes involving intoxicating liquor, see VIII; gaming, see IX; hunting and fishing, see X.
209. INDIANS

(A) IN GENERAL.

260. In general.
261. Constitutional and statutory provisions.
262. Who is an Indian; tribal status.
263. What is Indian country in general.
264. Crimes by Indians in Indian country or
    on reservation.
265. Crimes by Indians out of Indian country
    or off reservation.
266. Crimes by non-Indians.

(B) JURISDICTION AND POWER TO
    ENFORCE CRIMINAL LAWS.

State motor vehicle laws applied to Indians and on the reservations, see AUTOMOBILES.

270. In general.
271. Indian defendant.
272. -- In general.
273. -- Non-member of tribe in general.
274. -- Crime committed in Indian country
    or on reservation.
    (1). In general.
    (2). State court or authorities.
    (3). Tribal court or authorities.
    (4). Federal court or authorities.
    (5). Concurrent jurisdiction.
275. -- Crime committed out of Indian
    country or off reservation.
    (1). In general.
    (2). State court or authorities.
    (3). Tribal court or authorities.
    (4). Federal court or authorities.
    (5). Concurrent jurisdiction.
276. Non-Indian defendant.
277. -- In general.
278. -- Crime committed in Indian country
    or on reservation.

(C) PROCEDURE AND PUNISHMENT.

Proceedings in tribal court, see XI.

300. In general.
301. Extradition.
302. Venue.
303. Indictment and information.
304. Evidence.
    
    See also CRIMINAL LAW XVII.

305. -- In general.
306. -- Presumptions and burden of proof.
307. -- Weight and sufficiency.
308. Questions for jury.
309. Instructions.

VII. OFFENSES AND PROSECUTIONS.(Cont'd)

310. Appeal.
311. Sentencing and punishment.

VIII. INTOXICATING LIQUORS.

320. In general.
321. Introduction into, or possession in, Indian country.
322. Selling or furnishing.
323. State or tribal regulation.

IX. GAMING.

330. In general.
331. Constitutional and statutory provisions.
332. Preemption.
333. Establishment and regulation in general.
334. -- In general.
335. -- Lands available for gaming.
336. -- Social and ceremonial gaming.
337. -- Other gaming.
    (1). In general.
    (2). Activities otherwise permitted by state.
    (3). Tribal-state compacts.
338. Operation and conduct of authorized gaming.
339. -- In general.
339.5 -- Employment.
340. -- Fees and revenue.
    State or federal taxes, see TAXATION and INTER-
    NAL REVENUE.
341. Administrative agencies and proceedings.
    Tribal agency proceedings, see XI.
342. Actions.
    Actions in tribal court, see XI.
343. Offenses and prosecutions.
    Proceedings in tribal court, see XI.

X. HUNTING, FISHING, AND
    SIMILAR RIGHTS.

See also FISH and GAME. Proceedings in tribal courts and agencies, see XI.

350. In general.
351. Federal statutes protecting particular animals.
    See also ENVIRONMENTAL LAW XI.
352. Abrogation, modification, or relinquishment in general.
353. State regulation in general.
354. Violation; enforcement.
X. HUNTING, FISHING, AND SIMILAR RIGHTS.(Cont'd)

355. Offenses.
356. — In general.
357. — Jurisdiction and enforcement.
358. — Prosecution and punishment.
359. Fishing rights.
360. — In general.
361. — Indians and tribes holding rights.
362. — Abrogation, modification, or relinquishment in general.
363. — State regulation in general.
364. — Place or station; off-reservation activity.
365. — Manner and time; netting.
366. — Allocation or apportionment of fish.
367. — Actions and proceedings.
368. — Offenses.
   (1). In general.
   (2). Jurisdiction and enforcement.
   (3). Prosecution and punishment.

XI. PROCEEDINGS IN TRIBAL COURTS AND AGENCIES.(Cont’d)

423. — In general.
424. — Time for determination.
425. — Voting; bias and disqualification.
426. — Findings, conclusions, minutes, or records.
427. — Effect of decision; res judicata.
428. — Rehearing or reconsideration.
429. Further administrative review.
430. Judicial review.
431. — In general.
432. — Exhaustion of remedies.
433. — Decisions reviewable; jurisdiction.
434. — Persons entitled to seek review.
435. — Preservation of error.
436. — Time for proceedings.
437. — Parties and intervention.
438. — Process, notice or appearance.
439. — Pleading.
440. — Scope of review.
   (1). In general.
   (2). Trial de novo.
   (3). Wisdom, judgment, or opinion.
   (4). Arbitrary, unreasonable, or capricious action; illegality.
   (5). Harmless or prejudicial error.
   (6). Fact questions.
441. — Determination and relief.
442. — Further review.
443. Enforcement and contempt.

(C) CIVIL ACTIONS AND PROCEEDINGS.

500. In general.
501. Jurisdiction and venue.
502. What law governs.
503. Conditions precedent.
504. — In general.
505. — Exhaustion of remedies.
506. — Notice of claim or injury.
507. Persons entitled to sue; standing.
508. Time for proceedings.
509. Parties.
511. Pleading.
512. Motions.
513. Pretrial procedure.
514. — In general.
515. — Discovery.
XI. PROCEEDINGS IN TRIBAL COURTS AND AGENCIES.

516. — Dismissal.
517. — Continuance.
518. Trial or hearing.
519. — In general.
520. — Evidence and witnesses.
(1) In general.
(2) Presumptions and burden of proof.
(3) Admissibility of evidence.
(4) Weight and sufficiency of evidence.
521. — Questions for jury.
522. — Instructions.
523. — Verdict and findings.
524. — Rehearing or reconsideration.
525. New trial.
527. — In general.
528. — Consent and settlement.
529. — Default.
530. — Summary judgment.
531. — Effect of judgment; res judicata.
532. — Effect of judgments from other tribes.
533. Relief granted.
534. — In general.
535. — Monetary relief and damages in general.
536. — Punitive or exemplary damages.
537. — Injunctive and declaratory relief.
538. — Prerogative writs.
539. Enforcement and contempt; prejudgment remedies.
540. Review.
541. — In general.
542. — Decisions reviewable.
543. — Right of review; standing.
544. — Preservation of grounds for review.
545. — Proceedings.
546. — Record, assignment of errors and briefs.
547. — Scope of review.
548. — Determination.
549. — Further review.

(D) CRIMINAL PROSECUTIONS AND PROCEEDINGS.

600. In general.

XI. PROCEEDINGS IN TRIBAL COURTS AND AGENCIES.

601. Jurisdiction and venue.
602. Time for bringing prosecution.
603. Indictment and information; grand jury.
604. Preliminary proceedings; bail.
605. Arraignment and pleas.
606. Dismissal, nol pros or discontinuance.
607. Trial.
608. — In general.
609. — Time considerations; speedy trial.
610. — Evidence and witnesses in general.
611. — Presumptions and burden of proof.
612. — Admissibility of evidence.
613. — Weight and sufficiency of evidence.
614. — Questions for jury.
615. — Instructions.
616. — Verdict and findings.
617. — Rehearing or reconsideration.
618. New trial.
620. Sentence and punishment.
621. — In general.
622. — Proceedings.
623. — Fines and penalties.
624. — Imprisonment.
625. — Probation, parole, and other supervision.
626. — Restitution and reparation.
627. — Other alternative dispositions.
628. Review.
629. — In general.
630. — Decisions reviewable and right of review.
631. — Preservation of error.
632. — Proceedings.
633. — Record, assignment of errors and briefs.
634. — Scope of review.
635. — Determination.
636. — Further appeal.
637. Post-conviction relief.
638. Counsel.
639. Contempt.
640. Juvenile delinquency.

(E) JURY.
XI. PROCEEDINGS IN TRIBAL COURTS AND AGENCIES (Cont'd)

651. Right to jury trial.
652. Competency, challenges and objections.

(F) COSTS AND FEES.

660. In general.
661. Attorney fees in general.
662. Criminal prosecutions.

210. INDICTMENT AND INFORMATION

SUBJECTS INCLUDED
Formal written accusations of public offenses, presented by grand juries or preferred by prosecuting officers, whether in form of indictment, presentment, information, or complaint

Necessity for presentment or indictment by grand jury
Finding, indorsing, filing, and requisites of such accusations
Objections thereto, motions to quash, etc., demurrers thereto, and amendment thereof
Joinder of parties and offenses, and variance between averments and proof
Conviction of offense included in that charged

SUBJECTS EXCLUDED AND COVERED BY OTHER TOPICS
Arraignment and pleas to indictments and trial thereof, see CRIMINAL LAW
Grand jury, organization and proceedings, see GRAND JURY
Municipal ordinances, prosecutions for violation, see MUNICIPAL CORPORATIONS
Particular offenses, accusations and proceedings thereon, see specific topics
Preliminary complaints and proceedings thereon before indictment, see CRIMINAL LAW

I. NECESSITY OF INDICTMENT OR PRESENTMENT, =>1-5.
II. FINDING AND FILING OF INDICTMENT OR PRESENTMENT, =>6-16.
III. FORMAL REQUISITES OF INDICTMENT, =>17-34.
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V. REQUISITES AND SUFFICIENCY OF ACCUSATION, =>55-123.
VI. JOINDER, =>124-132.
VII. OBJECTIONS IN GENERAL, =>133-134.
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IX. MOTION TO DISMISS, =>144-144.2.
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XIII. INCLUDED OFFENSES, =>185-192.
XIV. WAIVER OF DEFECTS AND OBJECTIONS, =>193-199.
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I. NECESSITY OF INDICTMENT OR PRESENTMENT.
1. Necessity of formal accusation in general.
2. Constitutional and statutory provisions.
   (.5). In general.
   (1). Construction of provisions of state constitutions.
   (2). Construction of provisions of federal constitution.
   (3). Construction of statutory provisions.
   (4). Constitutionality of statutes.
3. Offenses which must be prosecuted by indictment.
4. Proper form of accusation.
4.5. Time for accusation in general.
5. Waiver.

II. FINDING AND FILING OF INDICTMENT OR PRESENTMENT.
7. Term of court or time of finding.
8. Prosecutor or informer.
10. Finding of grand jury.
10.1. —— Validity in general.
      (1). In general.