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[CHAPTER 44]

AN ACT

To authorize the filing of actions in State courts to quiet title to lands described in a treaty between the United States and the Delaware Indians, dated October 3, 1818.

February 5, 1948
[H. R. 2361]
[Public Law 406]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) an action may be brought by any person against any Indian or the heirs of any Indian, and/or the unknown heirs, devisees, or assigns of any Indian, who was or were granted, or was or were to have granted to him or them, land by virtue of a treaty between the United States and the Delaware Indians, dated October 3, 1818 (7 Stat. 188), which contained a condition that such lands should never be conveyed or transferred without the approbation of the President of the United States, for the purpose of determining and quieting the question of title to such land, in cases where there is no deed or record showing a conveyance by the Indian, or his heirs, to whom the land was granted, and where the records of the county in which the land is located show that the present record owners, or their grantees, immediate and remote, have claimed title to said land and have paid the taxes on said land for more than seventy-five years.

Indian lands.
Actions to quiet title.

(b) Such actions may be brought in the State courts having jurisdiction, in the county in which such real estate is located, to hear actions to quiet title, shall be brought in the same manner and under the same rules as other suits may be brought to quiet title where there is a defect in the record title to real estate, and service may be had on the Indian, or his heirs, to whom the real estate was granted, and/or his unknown heirs and assigns, in the same manner as service may be acquired upon persons generally, and their unknown heirs and assigns, in suits to quiet title in such State court, the same as though such treaty had not contained any condition or requirement with respect to securing the approbation of the President of the United States prior to the making of any conveyance or transfer of such lands, the same as though such Indians had never been wards of the United States, and regardless of whether or not the heirs of such Indians are now wards of the United States.

Jurisdiction of courts.

(c) Any Indian who is now a ward of the Government of the United States who may or might have any right, interest, or title in or to any of the lands granted to an Indian or Indians under such treaty shall assert such right, title, or interest not later than September 1, 1948, if such right, title, or interest would be barred or extinguished except for the fact that such Indian is a ward of the Government of the United States; and any such right, title, or interest which otherwise would be barred, shall not be asserted after September 1, 1948.

Wards of U. S. Government.

Approved February 5, 1948.

[CHAPTER 45]

AN ACT

To empower the Secretary of the Interior to grant rights-of-way for various purposes across lands of individual Indians or Indian tribes, communities, bands or nations.

February 5, 1948
[H. R. 3322]
[Public Law 407]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, empowered to grant rights-of-way for all purposes, subject to such conditions as he may prescribe, over and across any lands now or hereafter held in trust by the United States for individual Indians or Indian tribes, communities, bands,

Indian lands.
Rights-of-way.