

[CHAPTER 555]

AN ACT

Relating to adoption of minors by Indians.

July 8, 1940
[H. R. 8499]
[Public, No. 733]

Adoption of minors
by Indians.
Recognition in pro-
bate matters.
Conditions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in probate matters under the exclusive jurisdiction of the Secretary of the Interior, no person shall be recognized as an heir of a deceased Indian by virtue of an adoption—

(1) Unless such adoption shall have been—

(a) by a judgment or decree of a State court;

(b) by a judgment or decree of an Indian court;

(c) by a written adoption approved by the superintendent of the agency having jurisdiction over the tribe of which either the adopted child or the adoptive parent is a member, and duly recorded in a book kept by the superintendent for that purpose; or

(d) by an adoption in accordance with a procedure established by the tribal authority, recognized by the Department of the Interior, of the tribe either of the adopted child or the adoptive parent, and duly recorded in a book kept by the tribe for that purpose; or

(2) Unless such adoption shall have been recognized by the Department of the Interior prior to the effective date of this Act or in the distribution of the estate of an Indian who has died prior to that date: *Provided*, That an adoption by Indian custom made prior to the effective date of this Act may be made valid by recordation with the superintendent if both the adopted child and the adoptive parent are still living, if the adoptive parent requests that the adoption be recorded, and if the adopted child is an adult and makes such a request or the superintendent on behalf of a minor child approves of the recordation.

Proviso.
Adoption by Indian
custom.

Nonapplication of
Act.

SEC. 2. This Act shall not apply with respect to the distribution of the estates of Indians of the Five Civilized Tribes or the Osage Tribe in the State of Oklahoma, or with respect to the distribution of estates of Indians who have died prior to the effective date of this Act.

Effective date.

SEC. 3. This Act shall become effective six months after the date of its approval.

Approved, July 8, 1940.

[CHAPTER 565]

AN ACT

To authorize exchanges of lands within the Navajo Indian Reservation, Arizona.

July 10, 1940
[S. 3972]
[Public, No. 734]

Navajo Indian Res-
ervation, Ariz.
Exchange of lands
within.

Issuance of patent.

Proviso.
Sufficiency of title.

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, authorized, in his discretion, to exchange tribal lands within the Navajo Indian Reservation in Arizona for privately owned mineral lands of approximately equal value within the boundary of such reservation. Upon conveyance to the United States in trust for the Navajo Indians of the lands being acquired by the United States, the Secretary of the Interior is authorized to issue a patent in fee covering the lands granted in exchange: *Provided*, That the sufficiency of title to all such lands acquired by the United States shall be approved by the Secretary of the Interior.

Approved, July 10, 1940.