

[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.

or nations, or any lands now or hereafter owned, subject to restrictions against alienation, by individual Indians or Indian tribes, communities, bands, or nations, including the lands belonging to the Pueblo Indians in New Mexico, and any other lands heretofore or hereafter acquired or set aside for the use and benefit of the Indians.

SEC. 2. No grant of a right-of-way over and across any lands belonging to a tribe organized under the Act of June 18, 1934 (48 Stat. 984), as amended; the Act of May 1, 1936 (49 Stat. 1250); or the Act of June 26, 1936 (49 Stat. 1967), shall be made without the consent of the proper tribal officials. Rights-of-way over and across lands of individual Indians may be granted without the consent of the individual Indian owners if (1) the land is owned by more than one person, and the owners or owner of a majority of the interests therein consent to the grant; (2) the whereabouts of the owner of the land or an interest therein are unknown, and the owners or owner of any interests therein whose whereabouts are known, or a majority thereof, consent to the grant; (3) the heirs or devisees of a deceased owner of the land or an interest therein have not been determined, and the Secretary of the Interior finds that the grant will cause no substantial injury to the land or any owner thereof; or (4) the owners of interests in the land are so numerous that the Secretary finds it would be impracticable to obtain their consent, and also finds that the grant will cause no substantial injury to the land or any owner thereof.

SEC. 3. No grant of a right-of-way shall be made without the payment of such compensation as the Secretary of the Interior shall determine to be just. The compensation received on behalf of the Indian owners shall be disposed of under rules and regulations to be prescribed by the Secretary of the Interior.

SEC. 4. This Act shall not in any manner amend or repeal the provisions of the Federal Water Power Act of June 10, 1920 (41 Stat. 1063), as amended by the Act of August 26, 1935 (49 Stat. 838), nor shall any existing statutory authority empowering the Secretary of the Interior to grant rights-of-way over Indian lands be repealed hereby.

SEC. 5. Rights-of-way for the use of the United States may be granted under this Act upon application by the department or agency having jurisdiction over the activity for which the right-of-way is to be used.

SEC. 6. The Secretary of the Interior is hereby authorized to prescribe any necessary regulations for the purpose of administering the provisions of this Act.

SEC. 7. This Act shall not become operative until thirty days after its approval.

Approved February 5, 1948.

[CHAPTER 46]

AN ACT

To provide for the granting of certificates of competency to certain members of the Osage Indian Tribe in Oklahoma, and for other purposes.

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 shall issue a certificate of competency to each member of the Osage Tribe of less than one-half Indian blood heretofore or hereafter attaining the age of twenty-one years; and shall thereupon pay and deliver to such member, or to his legal guardian if such member has been declared incompetent by a court of competent jurisdiction, all money, property, and funds theretofore accrued or here-

25 U. S. C. §§ 461-479.
25 U. S. C. § 473a;
48 U. S. C. § 368a.
25 U. S. C. §§ 501-509; Supp. I, § 502.
Post, p. 991.
Grants without owners' consent.

Compensation.

16 U. S. C. §§ 792-826; Supp. I, § 809 note.
Post, p. 275.

Rights-of-way for use of U. S.

Regulations.

Effective date.

February 5, 1948
[H. R. 3326]
[Public Law 408]

Osage Indian Tribe.
Certificates of competency.