

VETO MESSAGE RELATING TO CLAIMS OF THE SEMINOLE
NATION OR TRIBE OF INDIANS

M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT APPROVAL THE BILL (S. 4340) ENTITLED "AN ACT
AUTHORIZING THE DISTRICT COURT OF THE UNITED STATES
FOR THE EASTERN DISTRICT OF OKLAHOMA TO HEAR AND
DETERMINE CERTAIN CLAIMS OF THE SEMINOLE NATION OR
TRIBE OF INDIANS"

JANUARY 10 (calendar day, JANUARY 30), 1933.—Read; ordered to lie on the
table and be printed

To the Senate:

I return herewith without approval Senate 4340, an act authorizing the District Court of the United States for the Eastern District of Oklahoma to hear and determine certain claims of the Seminole Nation or Tribe of Indians.

The tract of land therein described was formerly owned by the Seminole Tribe of Indians in Oklahoma. It was appraised and sold at public auction as provided by law. The full consideration was paid and title to the land has passed into the hands of a bona fide purchaser through transactions with the Government had in the utmost good faith. There is no substantial basis for thinking that Congress was without power to grant authority to the Secretary of the Interior to make the sale. There would seem to be no justification for now authorizing a committee of the tribe to bring a harassing suit against a private owner who bought and paid for this property in good faith many years ago. Moreover this legislation might prove to be a precedent for private litigation affecting many other titles and large sums of money through other than the regular procedure. The rights of the Indians, if any, can be presented and adjudicated by the Court

of Claims in the litigation pending before it under the act of May 20, 1924.

I attach hereto a letter from the Secretary of the Interior setting forth the views of the department on the bill.

HERBERT HOOVER.

THE WHITE HOUSE, *January 30, 1933.*

DEPARTMENT OF THE INTERIOR,
Washington, January 26, 1933.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: I have the honor to return herewith enrolled bill S. 4340, which was sent to me for my views as to whether there is objection to approving it.

I recommend that the bill be not given favorable consideration for the following reasons:

The tract of land therein described was formerly owned by the Seminole Tribe of Indians in Oklahoma. It consisted of approximately 320 acres; was never allotted in severalty to members of the tribe, but was used for school purposes in connection with the Imahaka Seminole Mission School. That school was discontinued and subsequently the land being no longer needed for school purposes was appraised and sold at public auction as provided by law. The price at which the land was sold was considerably more than the total appraised value of the tract. The full consideration has been paid and title to the land has passed into the hands of a bona fide purchaser through transactions with the Government had in the utmost good faith.

The basis for the bill is probably the fact that the Secretary of the Interior approved the deed of conveyance as authorized by section 6 of the act of April 26, 1906 (34 Stat. L. 137), notwithstanding the Seminole chief had refused to execute the deed. The said section 6 provides as follows:

* * * If any such executive (tribal chief) shall fail, refuse, or neglect, for 30 days after notice that any instrument is ready for his signature, to appear at a place to be designated by the Secretary of the Interior and execute the same, such instrument may be approved by the Secretary of the Interior without such execution, and when so approved and recorded shall convey legal title, and such approval shall be conclusive evidence that such executive or chief refused or neglected after notice to execute such instrument.

If the enactment of said section 6 was a violation of the constitutional rights of the Indians, the burden should not fall upon innocent persons.

The Seminole Tribe has heretofore been authorized to bring suits against the Government in the Court of Claims for adjudication of any alleged claims against the Government, not heretofore determined by the courts, by the act of May 20, 1924 (43 Stats. 133). Besides a number of petitions filed in the court by the Seminole Tribe or Nation involving specific claims, it has pending in the said court a petition in the nature of a claim for a general accounting in case No. 1-262. It is believed therefore that ample remedy already exists for the Seminole Tribe to obtain full redress of any grievances

they may have in connection with the disposal of the tract of tribal school land involved.

In view of the circumstances it would be manifestly unfair to authorize the Indians to bring suit in the United States Courts, now or at any time in the future without regard to lapse of time as provided in the bill, to question the title of owners of the land and to attempt to recover the same.

Very truly yours,

RAY LYMAN WILBUR, *Secretary.*

[S. 4340]

AN ACT Authorizing the District Court of the United States for the Eastern District of Oklahoma to hear and determine certain claims of the Seminole Nation or Tribe of Indians

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the District Court of the United States for the Eastern District of Oklahoma, notwithstanding the lapse of time or statutes of limitation, to hear and determine any suits heretofore or hereafter instituted by the Seminole Nation or Tribe of Indians, or on their behalf, or by any committee selected by the Seminole Indian Protective Association to represent such Indians, with respect to the title to the following-described lands in Seminole County, Oklahoma, or any clouds thereon, to wit: The south half northeast quarter and the southeast quarter, section 7; the south fifteen and seventy-eight one-hundredths acres of lot 3, and lots 6 and 7, section 8, all in township 7 north, range 8 east, Indian meridian, containing three hundred and twenty acres, more or less.

SEC. 2. The District Court of the United States for the Eastern District of Oklahoma shall have full authority, by proper orders and process, to bring in and make a party to the proceedings any person deemed by it necessary or proper to the final determination of the matter in controversy. The judgment or decree of such court shall be subject to review in accordance with the law governing like cases.

JNO. N. GARNER,
Speaker of the House of Representatives,
CHARLES CURTIS,
Vice President of the United States and
President of the Senate.

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