

VETO MESSAGE ON H. R. 5753, A BILL TO AUTHORIZE ADVANCE OF THE AMOUNTS DUE ON DELINQUENT HOMESTEAD ENTRIES ON CERTAIN INDIAN RESERVATIONS

M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT APPROVAL, H. R. 5753, ENTITLED "AN ACT TO AUTHORIZE ADVANCE OF THE AMOUNTS DUE ON DELINQUENT HOMESTEAD ENTRIES ON CERTAIN INDIAN RESERVATIONS"

APRIL 8, 1938.—Referred to the Committee on Indian Affairs and ordered to be printed

To the House of Representatives:

I am returning herewith without my approval enrolled bill H. R. 5753, to authorize advance of the amounts due on delinquent homestead entries on certain Indian reservations.

This bill was passed by the House of Representatives on August 16, 1937, and subsequent thereto, but before passage by the Senate, there was passed by both Houses of Congress and submitted to me for approval H. R. 2888. I found myself unable to approve the latter bill because of the provisions of sections 3 and 4 thereof. The first two sections of the bill now under consideration are identical with sections 3 and 4 of H. R. 2888. I am compelled, therefore, to withhold approval of the bill H. R. 5753, for the same reasons that were set forth in my memorandum of disapproval, on August 31, 1937, of the bill H. R. 2888 (p. 9681, Congressional Record, August 21, 1937), viz.:

I am unable to find any satisfactory basis for approving sections 3 and 4 of the bill. These two sections provide for the advance payment to the Indians from the general fund of the Treasury of the indebtedness of entrymen and purchasers of ceded Indian land. With the opening of these ceded Indian lands to entry, the United States accepted no responsibility to purchase or find purchasers for such lands, but acted only as a trustee to sell the lands and pay over the proceeds to the Indians. The delinquency that has occurred on the part of entrymen and purchasers in making their payments on these lands constitutes no justification for the proposed shifting from the Indians to the Government of the burden of

waiting for the completion of the payments. The fact of the delinquency indicates, indeed, that this is simply the transfer of bad debts from one payee to another.

I would have no objection to the enactment of legislation that would provide for the cancelation of these entries and for the reversion of the lands to the Indians for their own use.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
April 8, 1933.

H. R. 5753

SEVENTY-FIFTH CONGRESS OF THE UNITED STATES OF AMERICA; AT THE THIRD SESSION, BEGUN AND HELD AT THE CITY OF WASHINGTON ON MONDAY, THE THIRD DAY OF JANUARY, ONE THOUSAND NINE HUNDRED AND THIRTY-EIGHT

AN ACT To authorize advance of the amounts due on delinquent homestead entries on certain Indian reservations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated an amount equal to the amount of the unpaid balance of principal and interest which the Secretary of the Interior may find to be due on homestead and other entries or purchases on opened lands of the Cheyenne River, Colville, Fort Berthold, Coeur d'Alene, Fort Peck, Pine Ridge, Rosebud, Shoshone, and Standing Rock Reservations, and the Chippewa lands in Minnesota opened in accordance with the Act of January 14, 1889 (25 Stat. L. 642), on the date of the enactment of this Act, less an amount equal to the amount of payments made on such homesteads entries after the enactment of this Act and before the appropriation herein authorized has been made. Such an amount when appropriated shall be placed to the credit of the Indian tribes of such reservations in the Treasury of the United States, and shall be available upon the recommendation of the Indian tribe or tribes concerned for making permanent improvements on lands of the Indians, including the development of irrigation and the granting of aid to individual Indians in establishing permanent homes, and for the purchase of lands on said reservations from individual Indians or from white owners, in the discretion of the Secretary of the Interior, and under such regulations as he may prescribe. Title to any lands so purchased shall be taken in the name of the United States in trust for the respective Indian tribes and such lands shall not be allotted in severalty.

SEC. 2. The provisions of this Act shall in no way affect the liability of entrymen on such opened lands in the said Indian reservations to complete payments on their entries. Any payments made by said homesteaders after the appropriation authorized by this Act has been made shall be covered into the general fund of the Treasury of the United States. If any entry shall be relinquished or canceled on which the United States shall have advanced payments to the Indians of the reservation involved, said payments shall be reimbursed to the United States out of any funds on deposit in the Treasury of the United States to the credit of the said Indians.

SEC. 3. Any homestead entryman or purchaser of ceded Indian land, who is delinquent in the payment of the purchase money or interest, or both, due on the land embraced in his entry, entries, purchase, or purchases, and who is unable to make payment thereof in accordance with existing laws, shall be accorded the privilege of relinquishing any subdivision, or subdivisions, as shown on the approved plat, of his entry, entries, purchase, or purchases, so that the purchase money paid on the whole of such entry, entries, purchase, or purchases, will be sufficient to complete payment on the lands retained, which retained lands shall be in reasonably compact form. Relinquishments heretofore made may be accepted under the provisions of this section.

WM. B. BANKHEAD,
Speaker of the House of Representatives.

JNO. N. GARNER,
Vice President of the United States and President of the Senate.

[Endorsement on back of bill:]

I certify that this act originated in the House of Representatives.

SOUTH TRIMBLE, *Clerk.*
By H. NEWLIN MEGILL.