

---

PAYMENT TO THE SAN CARLOS APACHE INDIANS

---

M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT APPROVAL, THE BILL (S. 18) ENTITLED "AN ACT AUTHORIZING PAYMENT TO THE SAN CARLOS APACHE INDIANS FOR THE LANDS CEDED BY THEM IN THE AGREEMENT OF FEBRUARY 25, 1896, RATIFIED BY THE ACT OF JUNE 10, 1896, AND REOPENING THE LANDS TO MINERAL ENTRY"

---

AUGUST 5 (legislative day, AUGUST 2), 1939.—Read, referred to the Committee on Indian Affairs, and ordered to be printed

---

*To the Senate:*

I return herewith, without my approval, S. 18, a bill authorizing payment to the San Carlos Apache Indians for the lands ceded by them in the agreement of February 25, 1896, ratified by the act of June 10, 1896, and reopening such lands to mineral entry.

The bill provides, by a declaration to that effect, for the payment to the San Carlos Apache Indians of \$33,725 for 232,320 acres of land. It would appear, however, that this represents in reality a payment, at \$1.25 per acre, for such ceded lands as have been included in homesteads, national forests, power sites, public water reserves, and State of Arizona school land grant, lieu or indemnity selections, an area much smaller than that named in the bill.

The bill further provides that, after payment for the lands that have been included in homesteads, etc., the remaining acreage of ceded lands shall be reopened to location and entry under the public land and mineral entry laws of the United States. While I would not favor legislation that would provide for the payment to the Indians of \$1.25 per acre for this remaining acreage, I would favor its restoration to the Indians. The provision of the pending bill reopening these lands to public entry, and thus depriving the Indians of the future use of the lands and even of their present receipts from such lands, appears to me definitely objectionable.

It seems to me that this legislation is also objectionable because of its specific description of a payment for a total of 232,320 acres of land when it is apparent that the amount provided in the bill represents payment for a very much smaller acreage.

In these circumstances, I feel that this matter should receive the further consideration of Congress, and that I would not, therefore, be justified in approving the present bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
August 5, 1939.

S. 18

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

AN ACT Authorizing payment to the San Carlos Apache Indians for the lands ceded by them in the agreement of February 25, 1896, ratified by the Act of June 10, 1896, and reopening such lands to mineral entry.

*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, out of any moneys in the Treasury of the United States not otherwise appropriated, as payment in full to the San Carlos Apache Indians, for two hundred and thirty-two thousand three hundred and twenty acres of land ceded by them under the agreement of February 25, 1896, ratified by the Act of June 10, 1896 (29 Stat. 358), less \$12,433.63 received by the Indians as royalty under mining permits, the sum of \$33,725 to be deposited in the Treasury of the United States to the credit of the San Carlos Apache Indians, and to be available for expenditure for the benefit of such Indians: *Provided,* That no part of the amounts authorized in this Act shall be paid or delivered to or received by any agent or attorney on account of services heretofore or hereafter rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Sec. 2. Upon appropriation and deposit to the credit of the San Carlos Apache Indians of the amount herein authorized the lands referred to in the first section of this Act shall be reopened to location and entry under the public land and mineral entry laws of the United States.

WM. A. 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 Senate.

EDWIN A. HALSEY,  
*Secretary.*

○