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Agreements with Sioux Indians.

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1884-121

AGREEMENTS WITH SIOUX INDIANS.

MARCH 18, 1884.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. NELSON, from the Committee on Indian Affairs, submitted the following

R E P O R T :

[To accompany bill H. R. 5420.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 5420) to accept and ratify certain agreements made with the Sioux Indians, and to grant a right of way to the Chicago, Milwaukee and Saint Paul Railway Company through the Sioux Reservation in Dakota, having had the same under consideration, beg leave to report:

That this bill has been prepared by the Department of the Interior, and is for the purpose of ratifying and confirming four several agreements made between said Indians and said railway company in November, 1880, and approved by the Secretary of the Interior January 3, 1881, granting right of way, station grounds, and terminal facilities on the Missouri River to said railway company across and on the great Sioux Indian Reservation in Dakota.

This reservation is unceded Indian Territory, and the agreements in question simply confer the Indian right of occupancy, leaving the fee title still in the United States, to be afterwards disposed of as the Government may determine.

The following communications fully explain in detail the provisions and terms of said agreements:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 4th instant, submitting, with accompanying papers, draft of a bill "to accept and ratify certain agreements made with the Sioux Indians and to grant a right of way to the Chicago, Milwaukee and Saint Paul Railway Company through the Sioux Reservation in Dakota."

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, December 17, 1883.

DEPARTMENT OF THE INTERIOR,
Washington, December 4, 1883.

SIR: I have the honor to submit, herewith, for your consideration, a communication of the 26th November, 1883, from the Commissioner of Indian Affairs, and accompanying draft of bill therein noted for the ratification of four several agreements with the Sioux Indians in Dakota, granting to the Chicago, Milwaukee and Saint Paul Railway Company the right of way across their lands and the right of occupying certain land for railway purposes, as therein set forth, namely: Two agreements made Novem-

ber 2, 1880, one made November 10, 1880, and one made November 13, 1880, all approved by Mr. Secretary Schurz, January 3, 1881.

These agreements have not, however, been ratified by Congress. As such action is considered necessary, I respectfully recommend that the matter be presented for the favorable consideration of that body.

I have the honor to be, very respectfully, your obedient servant,

H. M. TELLER,

Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, November 26, 1883.

SIR: Referring to Department letter of March 9, 1882, wherein, in reply to the question submitted in office letter of March 1, 1882, viz, Whether or not the Dakota Central Railway Company and the Chicago, Milwaukee and Saint Paul Railway Company, which had severally acquired a right of way through the Sioux Indian Reservation, in Dakota, were to be considered as having done so under the stipulations of the third article of the agreement with the Sioux Indians of September 26, 1876, ratified by act of Congress approved February 28, 1877 (19 Stat., 255), in reference to the construction of roads through said reservation, it was held that when the three wagon-roads indicated in General Orders No. 3, Headquarters Military Division of the Missouri, April 5, 1877, were located, the rights under said agreement were exhausted, and that agreements of later date made with the railway companies should be presented for ratification by Congress; also to Department letter to this office of 10th March last, to the effect that "in all cases where right of way for railroads through Indian reservations is not provided for by treaties or agreements by the United States with the Indians, Congressional action is necessary to ratify agreements by railway companies with the Indians for such right of way," &c., and directing that the necessary papers be prepared for submitting the agreements as made by the said railway companies with the Sioux Indians to Congress, at its next session, for action, I have the honor to report, so far as the Chicago, Milwaukee and Saint Paul Railway Company is concerned, as follows: The agreements entered into by this company with the Sioux Indians, under the direction and with the approval of the Department, are four in number, viz:

No. 1.—Agreement dated November 2, 1880, made between the chiefs, headmen, and heads of families of a majority of the Two Kettle, Sans Arc, Minneconjou, and Blackfeet Sioux Indians (Cheyenne River Agency), Lower Yanktonnais, Sioux Indians (Crow Creek Agency), Lower Brule Sioux Indians (Lower Brule Agency); Ogallalla Sioux Indians (Pine Ridge Agency), Brule, Loafer, Wahzahzah, Minneconjou, and mixed Sioux Indians (Rosebud Agency), and Upper Yanktonnais, Lower Yanktonnais, Uncapapa, and Blackfeet Sioux Indians (Standing Rock Agency), severally occupying the Sioux Indian Reservation, Territory of Dakota, parties of the first part, and the Chicago, Milwaukee and Saint Paul Railway Company, party of the second part—grants to said company:

1st. The right to hold and occupy not less than 1,000 acres of land at the eastern terminus of said railway company, on the west bank of the Missouri, at or near the mouth of American Crow Creek, Dakota Territory, for freight and passenger depots, &c., to be occupied under such regulations as the Secretary of the Interior may prescribe, and to be located as soon as surveys can be made.

2d. The right to construct, operate, and maintain a line of railway commencing at a point on the west bank of the Missouri, at or near the mouth of American Crow Creek, running in a westerly direction through the reserve; also the right to occupy and hold a strip of land not exceeding 200 feet in width, extending the entire length of said line across the reserve.

3d. The right to occupy and hold along the line of road, exclusively for railway purposes, not exceeding 160 acres of land at any one point.

4th. The right to open and use a wagon road upon the line of said railway, with the privilege of connecting the same with the Black Hills wagon road intersecting or near said railway.

Consideration to be paid by the railway company as follows:

(a) In respect of the 1,000 acres west of the Missouri, \$5 per acre, prior to commencement of construction of the road.

(b) For right of way, at the rate of \$110 per mile—one-half to be paid prior to construction, the residue after completion of 100 miles of road.

(c) For station lands, \$4 per acre, payment to be made at such time and in such manner as the Secretary of the Interior may direct.

The above mentioned agreement is signed by the chiefs, headmen, and heads of a

majority of families of the Ogallala Sioux Indians (Pine Ridge Agency), Brule, Loafer, Wahzahzah, Minneconjou, and Mixed Sioux (Rosebud Agency), Lower Yanktonnais Sioux (Crow Creek Agency), Lower Brule Sioux (Lower Brule Agency), and Two Kettle, Sans Arc, Minneconjou, and Blackfeet Sioux (Cheyenne River Agency).

No. 2.—Similar agreement of same date and between the same parties signed by the chiefs, headmen, and heads of a majority of families of the Upper and Lower Yanktonnais, Uncapapa, and Blackfeet Sioux (Standing Rock Agency).

No. 3.—Supplemental agreement dated November 10, 1880, by which the Chicago, Milwaukee and Saint Paul Railway Company agree to pay to individual Lower Brule Sioux Indians the value of their improvements on the lands west of the Missouri River at or near the mouth of American Crow Creek, to be selected under said agreement of November 2, 1880.

No. 4.—Agreement dated November 13, 1880, between the chiefs, headmen, and heads of families of a majority of Lower Yanktonnais Sioux Indians at Crow Creek Agency, Dakota Territory, and Spotted Tail and White Thunder, chief of the Brule, Loafer, Wahzahzah, Minneconjou, and Mixed Sioux Indians, severally occupying the Sioux Indian Reservation in the Territory of Dakota, parties of the first part, and the Chicago, Milwaukee and Saint Paul Railway Company of the second part, grants to said company:

1. The right to hold and occupy not less than ——— acres of land at the western terminus of said railway on the eastern bank of the Missouri River at or near the mouth of American Creek, for freight and passenger depots, &c., to be occupied under such regulations as the Secretary of the Interior may prescribe, and to be definitely located as soon as surveys can be made.

2. The right to construct, operate, and maintain a line of railway over and across the Crow Creek Reserve on the east side of the Missouri, running in a westerly direction; also the right to occupy and hold for railway purposes a strip of land not exceeding 200 feet in width over and across said reserve, consideration to be paid by the railway company as follows:

(a) In respect of land to be selected on the eastern bank of the Missouri River for freight and passenger depots, &c., \$5 per acre.

(b) For right of way, \$4 per acre prior to construction of the road. Payment to be made in such manner as the Secretary of the Interior may direct.

Said agreements of November 2, 10, and 13, 1880, were severally approved, as executed, by the Secretary of the Interior, January 3, 1881, except as to the agreement of November 13 with the Crow Creek Indians, which was modified by indorsement limiting the land to be selected at the western terminus on the east bank of the river for freight and passenger depots to 200 acres, and to 160 acres for station grounds at points east of said terminus.

On the same date the Secretary of the Interior approved the maps of preliminary survey of the road as projected from Brule Agency westward through the Sioux Reserve.

By memorandum in writing, dated January 5, 1881, the Chicago, Milwaukee and Saint Paul Railway Company waived and relinquished the right to occupy more than 640 acres of the 1,000 acres of land west of the Missouri River granted by the agreement of November 2, 1880.

On the 18th January, 1881, said railway company filed in the Department a bond in the sum of \$30,000 for the faithful performance of said agreements, and in other respects, for protection of the Indians, which was approved by the Secretary of the Interior, January 20, 1881.

On the 25th November, 1881, said railway company filed in the Department a plat of the 640 acres west of the Missouri River, selected under the agreement of November 2, 1880; also a plat of 188 acres on the Crow Creek Reserve east of the river, selected under the agreement of November 13, 1880; also a map of the line of road as constructed upon the Crow Creek Reserve under the terms of said last-mentioned agreement. Said maps were severally approved by you on the 6th October, 1882.

Under said agreements the Chicago, Milwaukee and Saint Paul Railway Company has made the following payments to the Department for the use of the Sioux Indians, viz:

October 8, 1881, for section 640 acres west of Missouri River, at \$5 per acre.....	\$3,200 00
For 10 stations, 20 acres each, 200 acres west of river, at \$4 per acre.....	800 00
For 90 $\frac{1}{2}$ miles (half length) of track west of river, at \$110 per mile.....	9,911 00
	13,911 00
October 13, 1882, for 121.19 acres right of way through Crow Creek Reserve, at \$4 per acre.....	\$484 76
For 188 acres depot grounds at Chamberlain, east of Missouri, at \$5 per acre.....	940 00
	1,424 6
Total amount paid.....	15,335 76

which amount has been deposited in the Treasury, pending Congressional action on said agreements.

Under the provisions of the supplemental agreement of November 10, 1880 (No. 3), the improvements of the Lower Brule Indians on the 640 acre tract, west of the Missouri, have been appraised at the total sum of \$1,743.50. This amount, I understand, the Chicago, Milwaukee and Saint Paul Railway Company is ready to pay at any time upon approval of said agreement and appraisement.

In accordance with the instructions contained in Department letter of the 10th March last, I now have the honor to submit the draft of a bill to accept and ratify said several agreements, as made, for transmission to Congress, for its consideration and action.

Full copies of the several agreements are set out in the bill.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

These agreements seem fair and equitable, and have freely and voluntarily been entered into by the Indians.

The railroad company is abundantly able to build the proposed roads, and has a *bona fide* intention of so doing as soon as practicable. And the proposed roads are urgently needed by the people of Dakota to afford means of communication between the eastern portion of the Territory and the Black Hills country, both thickly settled, but now separated by this great reservation.

Your committee recommend the passage of the bill.

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