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Message from the President of the United States, transmitting a communication from the Secretary of the Interior relative to right of way to the Jamestown and Northern Railroad Company through Devil's Lake Indian Reservation

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior relative to right of way to the Jamestown and Northern Railroad Company through Devil's Lake Indian Reservation.

DECEMBER 21, 1885.—Read and referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives :

I transmit herewith a communication of the 17th instant from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill granting a right of way to the Jamestown and Northern Railroad Company through the Devil's Lake Indian Reservation, in the Territory of Dakota.

The matter is presented for the consideration and action of Congress.
GROVER CLEVELAND.

EXECUTIVE MANSION,
December 21, 1885.

DEPARTMENT OF THE INTERIOR,
Washington, December 17, 1885.

SIR: I have the honor to submit herewith a letter of the 12th instant from the Commissioner of Indian Affairs, concerning an agreement concluded with the Sioux Indians upon the Devil's Lake Indian Reservation in Dakota, granting the right of way to the Jamestown and Northern Railway Company through said reservation, which he recommends may be presented for the consideration and action of Congress.

A draft of a bill for the purpose indicated is also herewith submitted, together with a copy of House Ex. Doc. No. 31, Forty-eighth Congress, second session, which contains the history of the case.

I concur in the recommendation of the Commissioner.

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

L. Q. C. LAMAR,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 12, 1885.

SIR: I inclose herewith, in duplicate, the draft of a bill granting a right of way through the Devil's Lake Indian Reservation, in the Territory of Dakota, to the Jamestown and Northern Railroad Company, and have the honor to recommend that the same be transmitted to the Congress for its consideration and action.

The history of this case will be found in office report to this Department of December 11, 1884, printed, with accompanying papers containing the negotiations with the Indians, in House Ex. Doc. No. 31, Forty-eighth Congress, second session, duplicate copies of which are also herewith inclosed.

The bill now submitted is that reported from the Senate Committee on Indian Affairs at the last session of Congress (December 19, 1884) and recommitted. No further action appears to have been taken thereon.

Very respectfully, your obedient servant,
J. D. C. ATKINS,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

[House Ex. Doc. No. 31, Forty-eighth Congress, second session.]

Letter from the Acting Secretary of the Interior, transmitting report from the Commissioner of Indian Affairs, with accompanying papers, and recommending the passage of a bill granting the right of way to the Jamestown and Northern Railway Company through the Devil's Lake Indian Reservation, Dakota.

DECEMBER 15, 1884.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, December 12, 1884.

SIR: I have the honor to transmit herewith copy of report of the 11th instant from the Commissioner of Indian Affairs, with accompanying papers, upon the subject of the right of way required by the Jamestown and Northern Railway Company through the Devil's Lake Indian Reservation in Dakota, together with a draft of a bill prepared in the Office of Indian Affairs for the purpose of granting such right of way.

Concurring in the recommendation of the Commissioner, the subject is respectfully presented for the consideration and action of the Congress.

Very respectfully,

M. L. JOSLYN,
Acting Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., December 11, 1884.

SIR: In the matter of the right of way required by the Jamestown and Northern Railroad Company through the Devil's Lake Indian Reservation in Dakota, and in compliance with Department instructions of May 2 last, directing the preparation of a full history of the case, with the papers on the subject and recommendations to the Department for transmission to Congress for the action of that body, I have the honor to submit the following statement:

The second article of the treaty with the Sisseton and Wahpeton bands of Dakota and Sioux Indians, concluded February 19, 1867, duly ratified and proclaimed (15 Stat., 506), provides:

"The said bands hereby cede to the United States the right to construct wagon

roads, railroads, mail stations, telegraph lines, and such other public improvements as the interest of the Government may require over and across the lands claimed by said bands (including their reservation as hereinafter designated) over any route or routes that may be selected by authority of the Government." * * *

The fourth article of the same treaty defines a reservation to be set apart "for all other members of said bands who were not sent to the Crow Creek Reservation, and also for the Cut-Head bands of Yanktonnais Sioux," as follows:

"Beginning at the most easterly point of Devil's Lake, thence along the waters of said lake to the most westerly point of the same; thence on a direct line to the nearest point on the Cheyenne River; thence down said river to a point opposite the lower end of Aspen Island; and thence on a direct line to the place of beginning."

On the 6th of June, 1883, the Department referred to this office for report a map filed by the Jamestown and Northern Railroad Company, showing the definite location of its line of road from a point on the northern line of Stutsman County, Dakota, to a point at the west end of Devil's Lake, in Ramsey County, Dakota, passing through the Devil's Lake Reservation.

In reporting upon said map (June 16, 1883), this office recommended that action be taken similar to that authorized by the Department in 1880 in the case of the applications of the Travare and Jamestown Railroad Company, and the Chicago, Milwaukee and Saint Paul Railway Company, for right of way across the Lake Traverse (Sisseton and Wahpeton) reserve, established under the same treaty for other bands of said Indians, and that the agent at Devil's Lake be directed to convene a council of the Indians for the purpose of arranging the measure of compensation to be paid to them by the company for the privilege required.

Under date June 26, 1883, the Department concurred in this recommendation, and directed this office to take the necessary steps to carry the same into effect.

In the mean time a question had arisen as to the accuracy of the existing western boundary lines of the reservation, pending determination of which, as materially affecting the quantity of land required for the proposed right of way, further action by this office was suspended. After an investigation by the General Land Office, the Department decided, under date of September 18, 1883, that no change would be made in the western boundary line of the reservation as already established.

On the 6th August, 1883, Agent Cramsie, in charge of Devil's Lake Agency, transmitted to this office a proposition submitted to him by F. R. Delano, authorized agent of the Jamestown Northern Branch of the Northern Pacific Railroad, on the 26th July previous, for a right of way 200 feet wide (estimated area 173 acres, more or less) across the Devil's Lake reserve, upon the following terms, viz:

1. To pay the sum of \$5 cash per acre for the lands required for right of way, in such manner as the proper officer of the Indian Department shall designate.
2. To locate, construct, and maintain at a convenient point on said railroad a side-track and station-house depot for doing the necessary railroad business of the Indian agency and reservation, and of the War Department, as connected with the military business of Fort Totten; the said side-track and station depot to be located for the convenience of the agency and fort, at such point as the Indian agent and railroad company's agent may agree upon.

Accompanying Agent Cramsie's letter was a memorandum in writing, signed by some sixty-six Indians, representing a majority of the chiefs and head-men of the Devil's Lake Indians, consenting to a right of way for said railroad upon the following modified conditions, viz:

That the compensation to be paid for the lands required by the Jamestown and Northern Railroad Company shall be at the rate of \$10 per acre, instead of \$5 as proposed, and with the understanding that a station depot and suitable building for storage of Government property shall be erected at a point on said railroad to be designated by their (the Indians') agent, and that no other buildings or persons, except said depot and warehouse, and the necessary employes of the railroad for the transaction of the Government business on the road, shall be located at said point or within the boundary of the reservation. (See inclosure No. 1.)

Upon receipt of this communication, this office addressed a letter to George H. Adams, esq., president of the Jamestown and Northern Railroad Company, on the 29th September, 1883, inclosing a copy of the proposition submitted to the Indians by the special agent of the Northern Pacific Railroad Company as above, with a copy of the resolutions of the Indians thereon, and requested him to inform this office whether the Jamestown and Northern Railroad Company was willing to accept the modified conditions, and, in the event of acceptance, to file in this office a duly certified plat of definite location of the grounds designated for station-house and storage buildings for Government property. (See inclosure No. 2.)

On the 8th December, 1883, President Adams replied, transmitting to this office—

1. A certified copy of a resolution of the board of directors of the Jamestown and Northern Railroad Company, adopted October 5, 1883, accepting the conditions imposed by the Indians as set forth in the memorandum above cited, and authorizing

the president of the company to notify the Department of such acceptance, and on behalf of the company to enter into such contracts or otherwise as may be necessary to carry out the intent of said resolution.

2. A certified copy of a resolution of the board of directors of said company, adopted December 4, 1883, approving and adopting the map of survey prepared by the chief engineer of the company, and submitted to the board, dated November 24, 1883 (next hereinafter mentioned), as and for the location of the company's railroad between the points therein specified, and as and for the right of way and grounds for station buildings and depot grounds, and authorizing the president of the company to provide the necessary funds, amounting to the sum of \$1,845, and in behalf of the company to pay the same into the Department of the Interior, or otherwise to dispose of the same for the benefit of said Indians as shall be deemed advisable by the Department.

3. A certified map, in duplicate, of definite location of the line of the Jamestown and Northern Railroad through the Devil's Lake Reservation from the crossing of Cheyenne River, in section 5, township 150 north, of range 66 west, of the fifth principal meridian, to a point in the town of Minnewaukan, in section 15, township 153 north, of range 67 west, of the same meridian, in the Territory of Dakota, a distance of 17 miles; also a plat of the surveyed limits and area of grounds selected by said railroad company for station buildings and depot grounds within said reservation, situated in sections 15 and 22, township 152 north, of range 67 west; together with certificate, under oath, thereon indorsed, of the surveyor of said company as to the number of acres comprehended within the right of way (177.6 acres) and station and depot grounds (6.89 acres), amounting in the whole to 184.5 acres. (See inclosure No. 3.)

On the 15th December, 1883, this office transmitted to Agent Cramsie a tracing from the map filed by said railroad company, showing the location of the grounds selected for station and depot purposes, with instructions to report whether such location was a suitable one for the requirements of the agency.

On the 9th January, 1884, Agent Cramsie replied that he approved of the location as described. (See inclosure No. 4.)

By letter of March 1, 1884, President Adams informed this office that the Jamestown and Northern Railroad Company had appropriated and set apart the sum of \$1,845 as compensation money to be paid to the Indians for their interest in the lands required for the purposes of the road, and requested to be advised as to the manner in which the money should be paid, and what further papers would be required to be executed by the company. (See inclosure No. 5.)

By Department letter of March 10, 1883, this office was instructed as follows:

"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.

The language of the treaty with the Devil's Lake Indians in regard to right of way for railroads through their reservation is peculiar, and differs from that of many other treaties with Indian tribes in that the right to construct railroads, &c., is reserved to the United States alone.

The second article of the treaty (15 Stat., 506) reads thus:

"The said bands hereby cede to the United States the right to construct wagon-roads, railroads, mail stations, telegraph lines, and such other public improvements as the interests of the Government may require, over and across the lands claimed by said bands (including their reservation as hereinafter designated) over any route or routes that may be selected by authority of the Government." * * *

Viewed as an entirety, it may be argued that it was the intention of this clause to grant a right of way for any properly-incorporated railroad through the reservation whose line of route may have received the approval of the proper executive department of the Government, and in that view no further legislation would be necessary.

On the other hand, if the privilege reserved is in the United States alone, then I apprehend Congressional action will be required in order to confirm a right of way to the company applicant. Upon that assumption, as probably the safest and best, I have had prepared the draft of a bill to carry out the proposed arrangement with the Jamestown and Northern Railroad Company, which, with copies of all material papers in the case, is herewith submitted, with the recommendation that it be transmitted to the Congress for its consideration and action.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

No. 1.

UNITED STATES INDIAN SERVICE.

Devil's Lake Agency, August 6, 1883.

SIR: I have the honor to inclose for your information proposition of F. R. Delano, authorized agent of the Jamestown Northern Branch of the Northern Pacific Railroad, for a right of way across the reservation of these Indians, also the accompanying map showing the route and proposed location of said road.

On my return from Fargo I called the Indians together and explained to them the proposition of the railroad company, to which they agreed and subscribed, on condition that the sum to be paid for the land be \$10 per acre instead of \$5, the money realized from the sale of said lands to the railroad company to be deposited with the Commissioner of Indian Affairs to the credit of the Indians of the Devil's Lake Reservation, and to be expended by their agent in the purchase, in open market, of farm machinery and work animals for the benefit of said Indians; and that in addition to the "station-house, depot, and side-track" a warehouse of suitable dimensions be erected to properly store and protect all Government stores consigned to said station for a reasonable length of time, and that no other buildings or persons shall be located or reside at said station except the aforesaid buildings and necessary employes of the road to conduct the Government business of said station.

I am, sir, very respectfully, your obedient servant,

JOHN W. CRAMSIE,

United States Indian Agent.

Hon. H. PRICE,

Commissioner of Indian Affairs, Washington, D. C.

UNITED STATES SERVICE,

Devil's Lake Agency, July 28, 1883.

SIR: The undersigned, as special agent of the Northern Pacific Railroad Company for the purpose of adjusting and settling for the right of way over, upon, and across the Indian reservation of Devil's Lake for locating, constructing, and operating the Jamestown Northern Branch of the said Northern Pacific Railroad on said reservation, submit the following proposition in regard thereto for the consideration of yourself and all parties whom it may concern, to wit:

Said railroad is located in the westerly part of said reservation, running from the Cheyenne River to the west end of Devil's Lake, a distance of about 18 miles.

The quantity of land required is a strip 200 feet in width, being 100 feet wide on east side of the center line of said railroad.

The quantity of land contained in said strip, if the present west line of the said reservation is maintained, will be 178 acres, more or less.

If the said west line is re-established farther west, so that the line of said railroad will be entirely located in said reservation, then the quantity of land required will be 445 acres, more or less.

In consideration thereof, and for payment for said land, the said railroad company will pay the sum of \$5 per acre for all the land so taken in said reservation, the said sum to be paid in cash at such time, in such place, and to such person as the proper officer of the Indian Department shall designate; will also locate, construct, and maintain, at a convenient point on said railroad, a side-track and station-house depot, for doing the necessary railroad business of the Indian Agency and reservation, and of the War Department as connected with the military business of Fort Totten; the said side-track and station-depot to be located, for the convenience of the agency and fort, at such point as the Indian agent and the railroad company may agree.

The map herewith filed shows by the red line marked thereon the proposed location of said railroad as it is located on said reservation.

Respectfully submitted.

For the NORTHERN PACIFIC RAILROAD COMPANY,

By F. R. DELANO,

Special Agent for Right of Way.

Maj. J. W. CRAMSIE,

Indian Agent.

We, the undersigned Indians of the Devil's Lake Indian Reservation, having explained to us the annexed proposition of F. R. Delano on behalf of the Northern Pacific Railroad Company for a right of way across our reservation, do hereby give our consent to the said right of way, provided the compensation therefor be \$10 per acre instead of \$5, as proposed, and with the understanding that a station-depot and

a suitable building for storage of Government property be erected at a point on said railroad to be designated by our agent, and that no other buildings, or persons, employes of said railroad, except said depot and warehouse and the necessary employes of the railroad for the transaction of the Government business on said road, shall be located at said point or within the boundary of the reservation now or hereafter to be decided upon.

TIOWASTE,	his x mark.	TATANKAIYESU,	his x mark.
ICANAPEKA,	his x mark.	TAWACHOMINA,	his x mark.
WANANATA,	his x mark.	HAPAHUWASTE,	his x mark.
MATOCATKA,	his x mark.	WAKAKOYAKE,	his x mark.
IPAGEMANI,		HUPAHUKOKEPAPI,	his x mark.
HEWAJI,		CAHMDISKAOYAGENAJI,	his x mark.
KAPOJA,	his x mark.	WAHACAUKATO,	his x mark.
HAAKAITIWAKA,	his x mark.	OTAKOYAKE,	his x mark.
CADUZEE,	his x mark.	TATEWANAHO,	his x mark.
WAHACAKADUTA,	his x mark.	TATEHOTA,	his x mark.
OSPEUKAGE,	his x mark.	PTEPA,	his x mark.
MATOWAKA,	his x mark.	MAHPUYAPETA,	his x mark.
ICAPTAKE,	his x mark.	HABA,	his x mark.
WYAKAMAZA,	his x mark.	WICAHENAPI,	his x mark.
MATOHAKERTU,	his x mark.	MINEYETEHOWASTE,	his x mark.
WYAKANAPI,	his x mark.	ICAHMAIN,	his x mark.
TATANKAZU,	his x mark.	WAKAHWHIWASTE,	his x mark.
CAHNDESKAMAZA,	his x mark.	TAKAWYEFMAIN,	his x mark.
WAKANEKTA,	his x mark.	MATOHETO,	his x mark.
ENAMUSAPA,	his x mark.	HUPAHUHANSKA,	his x mark.
HOTOHOWASTE,	his x mark.	WICAHPEWAKA,	his x mark.
HEHAKAWAJINA,	his x mark.	NAPETANKA,	his x mark.
MAHPEYAOHITIKA,	his x mark.	SINTICAHODMANI,	his x mark.
HOGAYUTSENA,	his x mark.	AKICITAANTA,	his x mark.
HUNUGAKE,	his x mark.	HUDNAJE,	his x mark.
ZITKANAWASTE,	his x mark.	WEAKAWAJENA,	his x mark.
ILICE,	his x mark.	HAPAHUWAKANKA,	his x mark.
WAKAWYAKAPI,	his x mark.	HEHAKAMAZA,	his x mark.
POGETANKA,	his x mark.	CANUPESA,	his x mark.
WASUKEGA,	his x mark.	HENRY KEYA,	his x mark.
IHWAYAKAPI,	his x mark.	TASUNKAWYAKAPI,	his x mark.
WAHAMUHADUTA,	his x mark.	CASKEHANSKA,	his x mark.

I certify on honor that the signatures appended hereto represent a majority of the chiefs and headmen of the Indians of the Devil's Lake Reservation.

JOHN W. CRAMSIE,
United States Indian Agent.

I certify on honor that I have explained to the Indians herein named and am satisfied that they fully understand the nature of the proposition hereto annexed, made by Mr. F. R. Delano, and that I have also explained to them and am satisfied that they fully understand the nature of their consent to said proposition, as contained in sheet No. 5 of these papers.

N. J. CRAMSIE,
Interpreter.

We, the undersigned, hereby certify on honor that we were present and witnessed the signing of the paper by each individual herein named.

THOMAS H. BREEN, *M. D.*
JOHN W. CRAMSIE.

No. 2.

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS,
September 29, 1883.

SIR: Referring to the question of the right of way for the Jamestown and Northern Railroad through the Devil's Lake Indian Reservation in Dakota, as indicated on the map of definite location filed by you in this Department, April 10 last, I inclose herewith a copy of a proposition submitted to the agent at Devil's Lake Agency, by F. R. Delano, special agent of the Northern Pacific Railroad Company, on the 28th of July last, offering to pay the sum of \$5 per acre for all lands of said reservation taken

in the construction of the Jamestown Northern Branch of the Northern Pacific Railroad thereon; also to locate, construct, and maintain at a convenient point on said railroad a side track and station-house depot for doing the necessary railroad business of the Indian agency and reservation, and of the War Department as connected with the military business of Fort Totten, said side track and station depot to be located for the convenience of the agency and fort at such point as the Indian agent and the railroad company's agent may agree.

I also inclose a copy of the resolutions of the Indians thereon consenting to the right of way provided the compensation therefor be \$10 per acre instead of \$5, as proposed, and with the understanding that a station depot and a suitable building for storage of Government property be erected at a point on the railroad to be designated by the Indian agent, and that no other buildings or persons except said depot and warehouse and the necessary employes of the railroad for transaction of the Government business on the road shall be located at said point or within the boundary of the reservation now or hereafter to be decided upon.

In order to save time, I shall be obliged by your informing me whether the Jamestown and Northern Railroad Company is willing to accept the modified conditions imposed by the Indians, in order that the necessary formal papers may be prepared and signed by the Indians and thereafter submitted to the Secretary of the Interior for his approval.

In the event of your acceptance of said conditions, it will be necessary that the location of the grounds for station house and storage building for Government property should be ascertained and a duly certified plat thereof filed in this office for reference in connection with the instrument to be prepared, evidencing consent of the Indians of the right of way, &c.

It is proper to add for your information that under date of the 18th instant, the honorable Secretary of the Interior decided that the existing western boundary line of the reservation as established in 1875 will remain unchanged.

I will also thank you to furnish this office with a description of the route taken by the railroad through the reservation, including points of entry and exit, &c.

Very respectfully,

E. L. STEVENS,
Acting Commissioner.

GEORGE H. ADAMS, Esq.,
*President Jamestown and Northern Railroad Company,
Mills Building, Broad Street, New York, N. Y.*

No. 3.

JAMESTOWN AND NORTHERN RAILROAD COMPANY,
MILLS BUILDING, BROAD STREET,
New York, December 8, 1883.

DEAR SIR: Referring to the question of the right of way for the Jamestown and Northern Railroad Company through the Devil's Lake Indian Reservation in Dakota, mentioned in your communication, L 14,815-1883, of date September 29, 1883, I have the honor to state that the Jamestown and Northern Railroad Company has by resolution of its board of directors, adopted on the 5th day of October, 1883, and the 4th day of December, 1883, accepted and approved the proposition of F. R. Delano made to said Indians, as modified by the agreement signed by said Indians of the date of the 28th of July, 1883.

A map of the definite location of the line of the railroad through the reservation has been prepared and certified according to law, showing the boundaries of the right of way proposed to be taken through the reservation, and also showing the boundaries of the grounds proposed to be taken for station grounds and depot buildings, the latter having been determined upon, as I am informed by the chief engineer, with the approval of the local Indian agent. The map also contains a certificate under oath of the chief engineer as to the number of acres comprehended within the right of way and said station and depot grounds, for which, under the agreement with said Indians, the company is to pay at the rate of \$10 per acre, amounting in all to 184.5 acres.

I inclose herewith a certified copy of the resolutions of the board of directors of this company referred to above as having been adopted on the 5th day of October and the 4th day of December, 1883. I also forward to you to-day by express two duplicate originals of certified map of location of said line and right of way and station and depot grounds referred to above.

I beg to be informed what further deeds, if any, or agreements will be required by the Department between this company and said Indians, and whether such deeds, if required, will be prepared in your office or otherwise.

I desire to say, further, that I am prepared to pay into the Department or to the Indian agent or to the Indians themselves, as the Department shall require, the consideration money, viz, \$1,845, and request that you will at your convenience state where and when and in what manner this consideration money shall be paid.

I remain, very respectfully,

GEORGE H. ADAMS,
President Jamestown and Northern Railroad Company.

E. L. STEVENS, Esq.,
Acting Commissioner, Washington, D. C.

OFFICE OF THE JAMESTOWN AND NORTHERN RAILROAD COMPANY,
New York, December 5, 1883.

I hereby certify that at a regular meeting of the board of directors of the Jamestown and Northern Railroad Company held at the offices of said company at the city of New York on the 5th day of October, 1883, the following proceedings were had and the following resolutions were adopted, viz:

"The president of the company stated to the board that questions had arisen as to the location of the main line of this company through the Indian reservation near Devil's Lake, in Dakota, and that propositions on behalf of the company had been made to the Indians with the consent of the authorities of the United States for an authorization to pass through said reservation, and that this proposition somewhat modified had been acceded to by the Indians with the consent of the United States.

"The president further stated that he had received notice of the action of the Indians through the Department of the Interior with a request that the company notify the Department of its assent to the agreement signed by the Indians.

"Thereupon on motion of James B. Fry, seconded by Charles A. Spofford, the following preamble and resolutions were adopted:

"Whereas the line of this company necessarily passes through the reservation of the Devil's Lake Indians at the west side of Devil's Lake in the Territory of Dakota, and it is necessary to obtain from the Indians occupying said reservation an authorization for the location of the line of the railroad through their reservation.

"And whereas said Indians have signed a contract whereby they agree to the location of said line and to the occupation by the company of a right of way of two hundred feet wide through said reservation upon the company's paying at the rate of \$10 per acre for every acre included within said right of way, and upon the further condition that the company will build at the place to be agreed upon a suitable warehouse or depot for Government supplies, and upon the further condition that the company will erect no buildings and will have no employes within said reservation except such as are necessary for the usual operation of the road; Now, therefore,

"Resolved, That said proposition be, and the same hereby is, by this company accepted, and that the president of the company be authorized to notify the Department of the Interior of the United States of such acceptance, and that the president and secretary of the company enter into in the name of the company such contract or contracts in writing or otherwise as may be necessary and proper to carry out the intent of these resolutions."

In witness whereof I, Sidney Starbuck, the secretary of said Jamestown and Northern Railroad Company, duly authorized thereto by the board of directors of said company, set my hand and the official seal of said company the day and year first above written.

[SEAL.]

SIDNEY STARBUCK,
Secretary of the Jamestown and Northern Railroad Company.

OFFICE OF THE JAMESTOWN AND NORTHERN RAILROAD COMPANY,
New York, December 5, 1883.

I hereby certify that at a regular meeting of the board of directors of the Jamestown and Northern Railroad Company, held at the offices of said company, at the city of New York, on the 4th day of December, 1883, the following proceedings were had and the following resolutions were adopted, viz:

"The president submitted to the board a map of the railroad of this company through the Devil's Lake Indian Reservation, and of the land to be occupied by said portion of the road and the station-house on said reservations now on motion of Mr. Tyndale, seconded by Mr. Fry, the following resolution was adopted:

"The chief engineer having prepared the map of the survey of a portion of this company's railroad dated November 24, 1883, whereon is indicated the route of said

railroad through the Devil's Lake Indian Reservation, and also the station buildings and depot grounds on said reservation, and said route being from the crossing of Cheyenne River in section 5, township 150, north of range 66, west of the 5th principal meridian, to a point in the town of Minnewaukan in section 15, township 153, north of range 67, west of the same meridian, in the Territory of Dakota, a distance of 17 miles, and said right of way therein indicated being 100 feet on each side of the center line of said line of railroad, and amounting to 177.6 acres of land, and the surveyed limits and area of the ground selected for station buildings and depot grounds of this company within said reservation are 6.89 acres of land, and is situated in sections 15 and 22, township 152 north of range 67 west.

"And the said map and locations thereon of said lines of railroad and right of way, and of the said ground for station building and depot grounds, being carefully examined and fully considered,

Resolved, That the said survey and map are hereby approved, and that the said lines of survey, and of the rights of way, and of the land for station buildings and depot grounds, as drawn and laid down on map, be, and the same are hereby, adopted as and for the location of this company's railroad between the points above specified, and as and for the right of way and grounds for station buildings and depot grounds, to be conveyed to this company under and pursuant to an agreement made and entered into between F. R. Delano, agent of this company and of the Northern Pacific Railroad Company, and the Devil's Lake Indians, of said reservation, on or about July 28, 1883.

"On motion of Mr. Frye, seconded by Mr. Tyndale, the following resolution was adopted:

"Whereas a survey of the line of the railroad of this company through the reservation of the Devil's Lake Indians has been made and a map has been prepared by the chief engineer and adopted by resolutions of this board this day, showing the definite location of said line, the boundaries of the right of way and of the lands for station buildings and depot grounds within said reservation; and

"Whereas it appears that the lands comprised within said boundaries in all amount to 184.5 acres:

Resolved, That the president of this company be, and he is hereby, authorized to take such measures as shall be proper to provide funds amounting to \$10 per acre of said lands, viz, \$1,845, and in behalf of this company to pay the same into the Department of the Interior or to the agent of the Indians, or otherwise to dispose of said sum for the benefit of said Indians, as shall be deemed advisable by said Department of Interior, in pursuance of the agreement made with said Indians on or about July 28, 1883."

In witness whereof I, Sidney Starbuck, the secretary of said Jamestown and Northern Railroad Company, duly authorized thereto by the board of directors of said company, have hereunto set my hand and the official seal of said company the day and year first above written.

[SEAL.]

SIDNEY STARBUCK,
Secretary of the Jamestown and Northern Railroad Company.

No. 4.

UNITED STATES INDIAN SERVICE,
Devil's Lake Agency, January 9, 1884.

SIR: Acknowledging receipt of office letter of December 15, L, 22351, inclosing tracing showing location of ground selected for a station, &c., by the Jamestown Northern Railroad Company to be placed upon the Indian reservation, I have the honor to state that I approve the location as described. This was the point agreed upon, but upon mutual arrangement it can be changed half a mile or a mile in either direction on the line of the road so as to secure a level place for side-tracks without grade and easily accessible to teams.

I am sir, very respectfully, your obedient servant,

JOHN W. CRAMSIE,
U. S. Indian Agent.

Hon. H. PRICE,
Commissioner of Indian Affairs, Washington, D. C.

S. Ex. 16—2

No. 5.

LAW OFFICES OF HOLMES & ADAMS,
35 Wall Street, New York, March 1, 1884.

DEAR SIR: Referring to the question of the right of way for the Jamestown and Northern Railroad Company through the Devil's Lake Indian Reservation in Dakota, mentioned in your communication L, 14815, of date September 29, 1883, and also referring to my letter to you of December 8, 1883, I beg to call your attention to the request in the last-mentioned letter to be informed what further deeds, if any, or agreements will be required by the Department between this company and said Indians and as to the manner in which the consideration money, viz, \$1,845, should be paid.

The Jamestown and Northern Railroad Company is very desirous of settling up this matter, and have appropriated and set apart said sum of money and await the instructions of the Department as to when and in what manner the money shall be paid. I have been informed that heretofore it has been the custom to pay into your Department the money due to Indians for right of way through the reservation.

Will you accommodate me with an early reply, and oblige,

Yours, very truly,

GEORGE H. ADAMS,
President Jamestown and Northern Railroad Company.

E. L. STEVENS, Esq.,
Acting Commissioner of the Interior, Washington, D. C.

A BILL granting a right of way to the Jamestown and Northern Railroad Company through the Devil's Lake Indian Reservation in the Territory of Dakota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a right of way through the Devil's Lake Indian Reservation in the Territory of Dakota, not exceeding two hundred feet in width, with grounds for station and depot purposes, according to the map and plat thereof respectively now on file in the office of the Secretary of the Interior, be, and is hereby, granted to the Jamestown and Northern Railroad Company, a corporation duly organized under the laws of the Territory of Dakota, upon the terms and conditions mentioned and set forth in a certain proposition in writing, dated July twenty-eighth, eighteen hundred and eighty-three, made and submitted to the United States Indian agent at Devil's Lake Agency by F. R. Delano on behalf of the Northern Pacific Railroad Company, as the same is modified by a memorandum of consent in writing thereto appended, signed by a majority of the chiefs and headmen of the Indians occupying the Devil's Lake Reservation, now on file in the office of the Secretary of the Interior, which said terms and conditions, so modified, have been accepted by the said Jamestown and Northern Railroad Company by a resolution of the board of directors of said company adopted October fifth, eighteen hundred and eighty-three, a certified copy whereof is also on file in the said office: *Provided,* That the amount of compensation thereby agreed to be paid to said Indians shall be deposited by the said Jamestown and Northern Railroad Company in the Treasury of the United States to the credit of the Sisseton, Wahpeton, and Cut-head Sioux Indians occupying the Devil's Lake Reservation within sixty days after the passage of this act, to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct; *Provided further,* That whenever said right of way and station and depot grounds shall cease to be used for railroad purposes, the same shall revert to the United States, and that the right to repeal, alter, or amend this act is reserved to Congress.