

12-16-1886

## Saint Paul, Minneapolis and Manitoba Railroad Company

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### Recommended Citation

H.R. Rep. No. 3487, 49th Cong., 2nd Sess. (1886)

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SAINT PAUL, MINNEAPOLIS AND MANITOBA RAILROAD  
COMPANY.

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DECEMBER 16, 1886.—Committed to the Committee of the Whole House and ordered  
to be printed.

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Mr. NELSON, from the Committee on Indian Affairs, submitted the fol-  
lowing

REPORT:

[To accompany bill H. R. 10056.]

*The Committee on Indian Affairs, to whom was referred the bill (H. R. 10056) granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota, have had the same under consideration, and respectfully submit the following report:*

The reservations through which this right of way is granted are situated in the northwestern part of Dakota and the northeastern part of Montana, and were set aside largely by statute (vol. 18, p. 28) and Executive orders, and intended by the Indian Department to be more in the nature of temporary hunting grounds than permanent reservations for the tribes, which only partially occupy the same. The line passes through the northern limit of the Fort Barthold Reservation, through a rough country known as the "Dog Dens," which is not and has not been occupied for any purpose by the Indians, whose camps are on the Missouri River very far to the southward. The reservation in Montana embraces 33,000 square miles, occupying all the northern approaches to that Territory. Upon it are located only three small Indian agencies, each hundreds of miles apart from the others, while all the intervening country is unoccupied. The game having been exterminated it is no longer even hunted over. This vast area of solitude seems to be maintained only as an impediment to civilization, preventing settlement, obstructing progress, forming a place of refuge for the lawless, and blockading the routes of trade and commerce so necessary to the welfare of the great mining towns and agricultural settlements of the Territory. In addition, the reservation has long been condemned by the Indian Department as an unfortunate location for the Indians; first, because of the difficulties of improvement, and, secondly, because its contiguity to the British Possessions is the cause of continuous raids and reprisals across the border, which are now the subject of diplomatic correspondence. In order to obviate these objections a law was passed at the last session of Congress which met the approval of the President, and under which he has appointed a commission for the purpose, if possible, of removing these Indians from the border and providing them with suitable lands in some more hospitable valley, with a milder climate and more productive soil. If this had been previously done these lands

would now be covered by the provisions of the general statute granting to all railroads the right of way across the public lands (vol. 18, p. 482), but from the provisions of which all reservations are excepted without the consent of Congress. When we consider that, in order to procure the building of transcontinental railways across the plains and mountains, the Government has been obliged to carpet the road-beds of some lines with its interest-bearing bonds, and to endow others with vast grants of the public lands, its policy should warmly encourage those who, desiring no subsidy and seeking no land grant, only ask permission, from their own resources, to give the Government and the people the benefit of other roads. This it did in the broad and beneficent act which grants to enterprize a general right of way through the public lands open to all, and granting exclusive privileges to none, which has invited competition and destroyed monopoly in the rapidly-developing Territories of the West. In so much of these reservations as are covered by treaty, the right of way to build every kind of road and railroad is expressly conceded by the eighth article of the treaty of October 17, 1855 (vol. 11, pp. 658-9), under which the Indians hold their rights.

This article is in the following words:

For the purpose of establishing traveling thoroughfares through their country, and the better to enable the President to execute the provisions of this treaty, the aforesaid nations and tribes do hereby consent and agree that the United States may, within the countries respectively occupied and claimed by them, construct roads of every description, establish lines of telegraph and military posts, use materials of every description found in the Indian country, build houses for agencies, missions, schools, farms, shops, mills, stations, and for any other purpose for which they may be required, and permanently occupy as much land as may be necessary for the various purposes above enumerated, including the use of wood for fuel and lands for grazing, and that the navigation of all lakes and streams shall be forever free to citizens of the United States.

Such portions as are covered by statute and executive orders are merely set apart for the occupancy of the Indians. The fee remains in the Government. No right to the soil is conferred. The power that set them aside can modify them. But notwithstanding this the bill out of abundant caution carefully provides for all the rights of the Indians and their proper compensation. It is known that the construction of the road is earnestly desired by them. Congress has for several years past made special appropriations for their relief in winter, but on one occasion at least the charity of the Government failed, as, owing to their remote position, it was found impossible to reach them with supplies, and many perished from starvation. They thoroughly understand that the construction of a railroad would remove such danger in the future. Such construction will also greatly reduce the cost of transporting the Government supplies, and effect an immense saving not only at the Indian agencies, but also at the military posts. For these reasons the army officers, as well as the Indian officials, eagerly look for the construction of the road, and warmly advise the passage of this bill which will remove the only obstructions.

The company designated is one of the most reliable and capable in the Northwest and has ample means to complete the enterprise speedily. Your committee is advised that the grade is completed and the track laid down to the eastern edge of these reservations, and a large amount of work has been done beyond in the West. The executive officers of the Government have the power under the article of the treaty cited to permit the construction to go on across the reservation, but they prefer that the consent of Congress should be obtained. The Secretary of the Interior has been duly consulted about this bill, and having examined

it carefully recommends it to the committee (see his letter and that of the Commissioner of Indian Affairs hereto attached), and the committee after due deliberation report it to the House and recommend its passage with an amendment in the form of an additional section, to be known as section 6.

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, December 11, 1886.*

SIR: I return herewith House bill No. 10056, Forty-ninth Congress, second session, "A bill granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota," referred to the Department for examination by the House Committee on Indian Affairs, and have the honor to state that so far as this office is concerned there is no objection to its passage.

Very respectfully, your obedient servant,

J. D. C. ATKINS,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.

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DEPARTMENT OF THE INTERIOR,  
*Washington, December 11, 1886.*

SIR: I have the honor to acknowledge the receipt of your letter of 9th instant, inclosing, for views, &c., House Report No. 10056, of the current session, "granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota."

In reply, you are respectfully informed that the Commissioner of Indian Affairs, to whom the bill in question was referred, reports, under date of 11th instant, that, so far as his office is concerned, there is no objection to its passage.

A copy of his report is herewith inclosed.

This Department is not aware of any reason why the bill should not become a law.

Very respectfully,

L. Q. C. LAMAR,  
*Secretary.*

The CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,  
*House of Representatives.*

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