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Shoshone and Bannack Indians.

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SHOSHONE AND BANNACK INDIANS.

JUNE 5, 1888.—Referred to the House Calendar and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 8662.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 8662) to accept and ratify an agreement made with the Shoshone and Bannack Indians for the surrender and relinquishment to the United States of a portion of the Fort Hall Reservation, in the Territory of Idaho, for the purpose of a town-site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes, has carefully considered the provisions of the bill, and recommend that it do pass, and submit the following report:

This bill was drawn in the Interior Department and is intended to fully cover and protect the interest of the Indians concerned and to provide room for railroad shops and a town-site, imperatively demanded by the necessity of the case, as set forth in the following extracts from a letter from the honorable Secretary of the Interior, dated February 4, 1888:

(1) The Utah and Northern and Oregon Short Line Railroads cross each other and form a junction at a point within the boundaries of the reservation known as Pocatello Station, where a settlement has gradually grown up, composed mainly of employes of said railroads, with their families, together with other people drawn thereto, for whom sufficient land is represented to be absolutely needed for dwelling and for other purposes, to avoid the conflicts and troubles with the Indians arising from trespass upon the reservation; and,

(2) To ascertain and fix the compensation that should be paid to the Indians for land occupied by the Utah and Northern Railway Company as right of way, station grounds, etc., upon the reservation for its line of road, running north and south, already constructed and in operation. The right of way of the Utah and Northern Railway Company through the reservation, granted by the act of July 3, 1882 (22 Stat., 148), for its Oregon branch running east and west, reported as subsequently assigned to the Oregon Short Line Railway Company, is 100 feet wide, except at Pocatello Station, where it is 200 feet wide, with an additional tract at that point comprising 30.45 acres for station purposes, making a total of about 772 acres, for which it was required to pay \$6,000, being at the rate of about \$7.77 per acre.

Under the law granting the right of way (200 feet wide) to the Utah and Northern Railway Company through the public lands (17 Stats., 612), as subsequently amended (20 Stats., 241), that corporation filed in the Department a series of fifteen maps of definite location of its road, eleven of which were approved March 6, 1882; the other four, showing the line of the road through the Fort Hall Reservation, were disapproved March 27, 1882, for the reason that the law granting right of way through the public domain did not entitle it to go through the Indian reservation, which is not public lands within the meaning of the act, and, further, that the consent of the Indians had not been formally obtained, and no compensation had been made to them for the land occupied, the road having already been constructed. A detailed history of this matter is set out in a message sent by you to Congress on the subject December 21, 1885, and printed in Senate Ex. Doc. No. 20, Forty-ninth Congress, first session.

* * * * *

As the embarrassments of the situation, resulting from the rapid growth of population of the town within the limits of the reservation and upon the land of the Indians, were daily increasing, the Department, in order to place the matter in shape for definite and speedy action by Congress, instructed one of the United States Indian inspectors and the United States Indian agent for the Fort Hall Indian Agency to confer with the Indians, examine the whole matter, and prepare a plan for the settlement of the questions involved. They called the Indians together in council, to whom, it is reported, they carefully and fully explained the matters, and negotiated with them the agreement herewith submitted, by which the Indians cede and relinquish to the United States, to be disposed of for town-site purposes, at Pocatello, or otherwise, as Congress may direct, for the benefit of the Indians, a tract of 1,840 acres of land, saving therefrom as much as has been heretofore and is by the present agreement relinquished to the United States for the use of the Utah and Northern and the Oregon Short Line railroads, all of which is more clearly shown in the accompanying plats.

The right of way to the Utah and Northern Railway Company through the reservation, north and south, provided for in the agreement, is 200 feet wide (the same as allowed to it through the public domain); this, with the right of way 200 feet wide at Pocatello Station, already granted by law (22 Stat., 148) to the same company for its line running east and west, make a total width of 400 feet as right of way for the two roads at that point, and the 30.45 acres already granted by law for station and depot purposes to one road, together with the 20 acres for like purposes provided by this agreement for the other road, make a total of 50.45 acres for station and depot purposes for the two roads at their junction at Pocatello Station. The two roads at that point are constructed and run for some distance on the same road-bed, and use in part the same rails (one being a narrow-gauge road); in view of which it is considered by the Department that the right of way to the Utah and Northern Railway Company for its road running north and south should be there limited to 100 feet in width, making a total right of way 300 feet wide for both roads at Pocatello Station. The draught of the bill has been so framed as to provide for this limitation; this, with the ample station and depot grounds there, would seem to afford sufficient land for the ordinary business of the two railroads, reported by the Commissioner of Railroads to be now under one and the same management—that of the Union Pacific Railway Company.

* * * * *

The draught of bill provides that the land ceded for the town-site (except the portions heretofore granted and those now proposed to be granted for railroad purposes) shall be surveyed and laid out in lots, appraised, and sold at public auction to the highest bidder, the proceeds to be deposited in the Treasury to the credit and for the benefit of the Indians. It also provides for access to and use by the citizens of the town in common with the Indians of the water from any river, creek, stream, or spring flowing through the reservation lands in the vicinity of the town-site.

The junction of these two railroads at Pocatello will, it is believed, become a town of considerable size and business, assisting and benefited by the development of the country. In this age of progress it is impossible, and it certainly is not desirable, to hinder the building of railroads by blocking the natural routes by great reservations for Indians or for any other purpose. Every part of our country must be brought into communication by the best means with every other part, and when the railroad companies ask nothing but the right of way they should have it in the interest of the people. By this bill the Utah and Northern Railway Company are to pay at the rate of \$8 per acre for the right of way and station grounds; 1,840 acres are to be surveyed and sold at not less than \$10 per lot, the money to be paid to the Secretary of the Interior and to bear interest at 5 per cent. per annum, and principal and interest to be expended according to his judgment for the support and benefit of the said Indians. This land is now of no benefit to them, and the money for which it is to be sold can be most usefully and profitably invested for them in irrigating ditches, houses, cattle, wagons and implements, wheat, etc. The town, which will certainly grow up, will give them a convenient market for their farm productions and will exercise a most salutary and civilizing influence upon them. The rights of the settlers upon the reservation to be sold in lots, are fully protected by the bill.

The fifteenth section of the bill takes from the railway company any inducement to "assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their remaining lands," or to "attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided."

It is provided that when any of the lands granted to the railway company for right of way and station grounds shall cease to be used for purposes specified, it shall revert to the Indians. All employés of the railway company living on the granted lands shall be subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established, etc. Provision is made for indemnification by the railway company to the Indians for killing or maiming the Indians or their stock; also for fencing in the railway track where it runs through the improved lands of the Indians. We believe, in short, that every interest of the Indians has been jealously guarded and protected.

It is the settled policy of Congress to encourage the settlement of the lands in the Territories and the development of their vast natural resources, that not only homes for our people may be provided, but fields for the exercise of their industry, energy, enterprise, labor, and capital may be opened up. These objects can best be accomplished by the building of lines of swift and easy communication and transportation by private capital, and therefore we think no great body of land should be reserved for any purpose to stand as an impediment to these great thoroughfares of the people.