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Message from the President of the United States, returning without his approval Senate bill 2338, entitled "An act granting to the Gila Valley, Globe and Northern Railway Company a right of way through the San Carlos Indian Reservation, in the Territory of Arizona."

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IN THE SENATE OF THE UNITED STATES.

M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES.

RETURNING

Without his approval Senate bill 2338, entitled "An act granting to the Gila Valley, Globe and Northern Railway Company a right of way through the San Carlos Indian Reservation, in the Territory of Arizona."

FEBRUARY 1, 1895.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate:

I herewith return without my approval Senate bill numbered 2338, entitled "An act granting to the Gila Valley, Globe and Northern Railway Company a right of way through the San Carlos Indian Reservation, in the Territory of Arizona."

The reservation through which it is proposed to construct a railroad under the provisions of this bill is inhabited by tribes of Indians which in the past have been most troublesome, and whose depredations on more than one occasion have caused loss of life, destruction of property, and serious alarm to the people of the surrounding country. And their condition as to civilization is not now so far improved as to give assurance that in the future they may not upon occasion make trouble.

The discontent among the Indians which has given rise to disturbances in the past has been largely caused by trespass upon their lands and interference with their rights by the neighboring whites. I am in very great doubt whether in any circumstances a road through their reservation should at this time be permitted, and especially since the route, which is rather indefinitely described in the bill, appears to pass through the richest and most desirable part of their lands. In any event I am thoroughly convinced that the construction of the road should not be permitted without first obtaining the consent of these Indians. This is a provision which has been insisted upon, so far as I am aware, in all the like bills which have been approved for a long time, and I think it should especially be inserted in this bill if, even upon any conditions, it is thought expedient to permit a railroad to traverse this reservation.

The importance of this consent does not rest solely upon the extent to which the Indians have the right of ownership over this land. The

fact that the procurement of this consent is the most effective means of allaying the discontent which might arise and perhaps develop into a train of lamentable and destructive outbreaks of violence particularly emphasizes its importance.

GROVER CLEVELAND.

EXECUTIVE MANSION,
February 1, 1895.

[S. 2338. Fifty-third Congress of the United States of America; at the Third Session, begun and held at the City of Washington on Monday, the third day of December, one thousand eight hundred and ninety-four.]

AN ACT Granting to the Gila Valley, Globe and Northern Railway Company a right of way through the San Carlos Indian Reservation in the Territory of Arizona.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Gila Valley, Globe and Northern Railway Company, a corporation organized and existing under the laws of the Territory of Arizona, and to its assigns, the right of way for the extension of its railroad, and for a telegraph and telephone line, through the San Carlos Indian Reservation in said Territory, entering the reservation on the south side of the Gila River, about seven miles below Fort Thomas, continuing down said Gila River, in a generally northwesterly direction, crossing the same at or near the San Carlos Indian Agency; thence running up or near the San Carlos River in a generally northerly direction to or near Aliso Creek; thence along or near Aliso Creek in a generally westerly or northwesterly direction to the town of Globe, in Gila County, Arizona, by such route as shall be deemed advisable by the company. Such right of way shall be fifty feet in width on each side of the central line of said railroad, and said company shall also have the right to take from the lands adjacent to the line of said road material, stone, and earth necessary for the construction of said railroad; also grounds adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed in amount two hundred feet in width and three thousand feet in length for each station, and to an extent not exceeding one station for each ten miles of road within the limits of said reservation: *Provided*, That no part of such lands herein granted shall be used except in such manner and for such purposes only as are necessary for the construction and convenient operation of said railroad line, and when any portion thereof shall cease to be used, such portion shall revert to the nation or tribe of Indians from which the same shall be taken: *Provided further*, That no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of said railway and including the points for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, shall be filed with and approved by the Secretary of the Interior, and until the compensation provided for has been fixed and paid: *And provided further*, That when any public road or highway is interfered with by said railway, said company shall repair the same or construct a new road where such interference may occur in such manner as not to obstruct the public use of such road or highway.*

SEC. 2. That before said railroad shall be constructed through any land, claim, or improvement held by individual occupants according to any treaties or laws of the United States, compensation shall be made such occupant or claimant for all property to be taken or damage done by reason of the construction of said railroad. In case of failure to make satisfactory settlement with any such claimant, the United States district court at Arizona shall have jurisdiction upon petition of either party to determine such just compensation in accordance with the laws at Arizona provided for determining the damage when property is taken for railroad purposes; and the amount of damages resulting to the tribe or tribes of Indians pertaining to said reservation in their tribal capacity, by reason of the construction of said railroad through such lands of the reservation as are not occupied in severalty, shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and be subject to his final approval: *Provided, however*, That said railroad company file with the Secretary of the Interior a bond, in such amount and with such sureties as the Secretary shall approve, conditioned for the payment of just compensation for said right of way to said individual occupants and to said tribe or tribes, as hereinbefore provided, and said company may thereupon proceed to construct and operate its railroad across said reservation.

SEC. 3. That said company shall cause maps showing the route of its line through said reservation, and including the grounds for station buildings, depots, machine

shops, side tracks, turn-outs, and water stations to be filed in the office of the Secretary of the Interior before constructing any portion of said railroad.

SEC. 4. That said company is hereby authorized to enter upon said reservation for the purpose of surveying and locating its line of railroad: *Provided*, That said railroad shall be located and constructed with due regard to the rights of the Indians and under such rules and regulations as the Secretary of the Interior shall prescribe.

SEC. 5. That the right herein granted shall be forfeited by said company unless the road shall be constructed through the said reservation within three years after the passage of this Act.

SEC. 6. That Congress shall have at all times power to alter, amend, or repeal this Act and revoke all rights hereunder.

CHARLES F. CRISP,
Speaker of the House of Representatives.

ISHAM G. HARRIS,
President of the Senate pro tempore.

I certify that this Act originated in the Senate.

WM. R. COX,
Secretary.

