



1904

An Act Granting to the Saint Paul, Minneapolis and Manitoba Railway Company the Right of Way Through Indian Reservations in Northern Montana and Northwestern Dakota

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Recommended Citation

"An Act Granting to the Saint Paul, Minneapolis and Manitoba Railway Company the Right of Way Through the Indian Reservations in Northern Montana and Northwestern Dakota," *Indian Affairs. Laws and Treaties*, Charles J. Kappler, ed. (Washington, D.C.: Government Printing Office, 1904), I:246-247.

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58TH CONGRESS, }
2d Session. }

SENATE.

DARTMOUTH
COLLEGE
LIBRARY
} DOCUMENT
} No. 319.

INDIAN AFFAIRS.

LAWS AND TREATIES.

Vol. I.

(LAWS.)

Compiled to December 1, 1902.

COMPILED AND EDITED

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WASHINGTON:

GOVERNMENT PRINTING OFFICE.

1904.

108029

Feb. 15, 1887.

24 Stat., 402.

CHAP. 130.—An act granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota.

St. Paul, Minneapolis and Manitoba Railway Company granted right of way through Fort Berthold and Blackfeet Indian Reservations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Saint Paul, Minneapolis and Manitoba Railway Company, a corporation organized and existing under the laws of the State of Minnesota, for the extension of its railroad through the lands in Northwestern Dakota set apart for the use of the Arickaree, Gros Ventre, and Mandan Indians by executive order dated July thirteenth, eighteen hundred and eighty, commonly known as the Fort Berthold Indian Reservation, and through the lands in Northern Montana, set apart for the use of the Gros Ventre, Piegan, Blood, Blackfeet, and other Indians by act of Congress approved April fifteenth, eighteen hundred and seventy-four, and commonly known as the Blackfeet Indian Reservation.

Location.

SEC. 2. That the line of said railroad shall extend from Minot, the present terminus of said Saint Paul, Minneapolis and Manitoba Railway, across said Fort Berthold Reservation, north of the township-line between townships numbered one hundred and fifty-three and one hundred and fifty-four north; thence along the Missouri River by the most convenient and practicable route to the valley of the Milk River; thence along the valley of the Milk River to Fort Assiniboine; thence southwesterly to the Great Falls of the Missouri River.

Dimension.

SEC. 3. That the right of way hereby granted to said company shall be seventy-five feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station-buildings, depots, machine-shops, sidetracks, turnouts, and water-stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of its road.

Ascertainment and payment of damages.

SEC. 4. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but 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 such railroad, and including the points for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, shall be filed with and approved by the Secretary of the Interior, and until the compensation aforesaid has been fixed and paid; and the surveys construction and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

Right of way across military reservations.

SEC. 5. That the right of way across lands occupied or reserved for military purposes along the line of said railroad is hereby granted to said company the same as across said Indian reservations: *Provided, however,* That the survey and location of said railroad across such lands shall be first approved by the Secretary of War.

Not assignable before completion.

SEC. 6. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided,* That the company may mortgage said franchise, together with the rolling stock, for money to construct and complete

Provisos.

said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order within two years from the passage of this act.

Forfeited if road is not built in two years.

Approved, February 15, 1887.

CHAP. 254.—An act to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

Feb. 24, 1887.

24 Stat., 419.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fort Worth and Denver City Railway Company, a corporation created under and by virtue of the laws of the State of Texas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point to be selected by said railway company on south boundary of said Territory between the west line of Wichita county, Texas and the one hundredth meridian, and running thence by the most practicable route through the Indian Territory to a point on the southern boundary of Kansas, west of the west line of Comanche county, Kansas, with the right to construct, use, and maintain such tracks, turnouts, branches, sidings, and extensions as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

Fort Worth and Denver City Railway Company authorized to build railway, telegraph, and telephone line through Indian Territory.

Location.

1890, c. 1274, post, p. 379.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one hundred feet in width through said Indian Territory, and to take and use a strip of land two hundred feet in width, with a length of three thousand feet, in addition to right of way, for stations, for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Right of way.
Dimension.
Stations.

Proviso.

Lands not to be leased or sold.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned

Damages.

Appraisement.

Appointment of referees.