

ARKANSAS NORTHWESTERN RAILWAY COMPANY.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

RETURNING

Without his approval House bill 8681, entitled "An act authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes."

FEBRUARY 28, 1895.—Referred to the Committee on Indian Affairs and ordered to be printed.

To the House of Representatives.

I herewith return without approval House bill number 8681, entitled "An act authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes."

The contemplated route of this railway, so far as it is disclosed in the bill, would run from a point in the southwestern corner of the State of Missouri, across the northeastern corner of the Indian Territory, to a point in the southeastern part of the State of Kansas. This route necessarily runs through the lands of the Cherokee Indians or through the small reservations of the Quapaws, the Peorias, the Ottawas, the Wyandottes, and the Senecas.

There is no provision in the bill requiring the consent of the Indians whose lands are to be thus traversed.

There is no provision requiring the entire line to be located and approved by the Secretary of the Interior before the work of building is commenced.

The bill provides for compensation to individual occupants or allottees by a process of appraisal by referees, with the right of appeal to the district court held at Fort Smith in the State of Arkansas.

In the case of allotted land or land held in individual occupancy by the Indians great care should be exercised in interfering with their holdings. Their land is given them for cultivation and with a view of making them self-supporting and industrious citizens. If their land is invaded and cut up by railroads the purpose of allotment is in danger of being defeated. Money compensation is of but little use to them, and no amount can compensate for the disturbance in the cultivation of their lands and their consequent discontent and discouragement.

These considerations, it seems to me, emphasize the necessity of the exact location of the entire line of the contemplated railroad and such control over it by the Secretary of the Interior as will enable him to avoid as much as possible interference with individual Indian occupants and other difficulties.

This supervision and regulation of the line can be done with much more safety and effectiveness in considering the entire line than it can be done in sections of twenty-five miles each, as is provided in the bill.

The United States circuit and district courts for the districts of Kansas and the district of Arkansas, and such other courts as may be authorized by Congress, are given concurrent jurisdiction of all controversies arising between the railway company and the nations and tribes of Indians through whose territory the railway shall be constructed, or between said company and the members of said nations or tribes, without reference to the amount in controversy, and the civil jurisdiction of said courts is extended within the limits of said Indian Territory without distinction as to the citizenship of parties so far as may be necessary to carry out the provisions of the act.

The requirement that an Indian shall be obliged to seek a distant court for the adjudication of his rights in his controversies, great and small, with this railway company would result in many cases to a denial of justice.

I am convinced of the growing necessity in this period of change in our relations with the Indians of caution and certainty in the grants given to railroads to pass through Indian lands, and of the exercise of care in allowing interference with their occupation.

GROVER CLEVELAND.

EXECUTIVE MANSION,
February 28, 1895.

