

An Act

defining the right of way of railroads
constructed through the Muscogee (Creek) nation
under the provisions of the treaty with the
United States proclaimed Aug. 11. 1866, and
for other purposes.

Whereas by the terms of the 5th article of the treaty
between the Muscogee (Creek) nation and the
United States proclaimed August 11.th 1866, the right
of way through the Muscogee (Creek) nation
was granted for two railroads, one passing north
and south and the other, east and west, and

Whereas the Muscogee nation, did not by the terms of
said treaty of 1866, sell or part with any portions of
her soil or lands for railroad purposes, but ex-
pressly left that question open for future nego-
tiations by which the companies may secure the
use of portions of her lands, agreeing "to sell
to the United States, or any company duly author-
ized as aforesaid, such lands not legally owned,
nor occupied by a member or members of the Creek
nation lying along the line of said contemplated
railroad not exceeding on each side thereof a
belt or strip of land three miles in width at
such price per acre as may eventually be
agreed upon between said Creek nation and
the party or parties building said road, subject
to the approval of the President of the United
States, See Rev. of Ind. Treaties p 118. and

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whereas in the absence of any sale or agreement made and approved as provided in the terms of the said treaty of 1866, it is obvious that no railroad company can be entitled to the exclusive use and occupancy of any portion of Muscogee (Creek) lands, and

whereas the authorities of the companies operating the roads known as the M.K. & T and St. L & S.F. through the Muscogee (Creek) nation, in violation of the ordinary civilities and usages of business and fair-dealing, and in plain disregard of the terms of the said 5th article of the treaty of 1866, without any notice to the authorities of the Muscogee (Creek) nation, or regard for their preferences in the premises, did on various dates, survey, lay off and mark out certain parcels of land lying at designated points along the line of their roads in the Muscogee (Creek) nation and now claim and seek exclusive occupancy thereof, and whereas the Department of the Interior, did on various dates, approve the plats of the said parcels of land made and presented by the authorities of said railroads, although said surveys and plats were never made in accordance with any sale or agreement wherein the Muscogee (Creek) nation was a recognized party as contemplated in the aforementioned treaty, and

whereas no evidence exists among the files of the Executive Office of the Muscogee (Creek)

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nation, showing that said railroad plats as approved were filed therein at an earlier date than the 12th of January 1883, and -

Whereas in the absence of negotiations between the Muscogee (Creek) nation and the railroad authorities whereby the latter obtains exclusive use of any portion of the lands of the former, her citizens had the undisputed right to occupy any of her grounds not in actual use and occupancy by the said railroad, and

Whereas the Muscogee (Creek) nation under the aforesaid 5th article of the treaty of 1866, denies the right of the Department of the Interior to approve the plats as filed by the authorities of the said roads without inviting the consent thereto of the authorities of the said nation and order the removal therefrom of citizens who have made improvements thereon; it being contrary to the letter and spirit of said treaty as understood by the authorities of the said nation, and

Whereas notwithstanding this injustice, the said nation is willing to render concessions in the interest of commerce and ^{the} harmony hitherto subsisting between the parties in interest; and feeling that to subserve these ends, it is necessary that the negotiations contemplated in the said article of said treaty, fixing and defining the right of way of the railroads in said nation be had and consummated at as early a date as practicable, Therefore

Section 1.

Be it enacted by the National Council
of the Muscogee (Creek) nation that the au-
thorities thereof hereinafter mentioned,
may, and are hereby authorized to enter
into negotiations with the authorities of the
companies operating railroads, in said
nation under the provisions of the treaty
between said nation and the United States
proclaimed August 11, 1866, for the acqui-
sition by said railroad companies of the
sole occupancy and use of only so
much land in said nation as is abso-
lutely necessary to the proper manag-
ement of the legitimate business of the
said rail-roads; the terms of the negotia-
tions herein authorized to be such as
shall not interfere with, or trespass on the
individual rights of citizens of said na-
tion who shall have occupied space or
located improvements ^{on railway reservations} prior to the
date of January 12, 1883, or who, by pur-
chase or otherwise may ^{have} secured such
rights as originated prior to the aforemen-
tioned date: Provided however, that
nothing in this act shall be so construed
as to prevent a transfer by sale or other-
wise by such citizens of their improve-
ments or right of occupancy of any

portion of the reservations herein authorized, to the authorities of said railroad companies if they shall so elect, when the space occupied by them, or their improvements are included within the limits of said reservations.

Sec. 2 Be it further enacted, That the reservations of land in the Muscogee nation herein authorized for use in the management of the business of the railroads now in operation in said nation shall be, and is hereby defined and fixed at fifty (50) feet in width on each side, measured from the centre of the roadbed of the main line thereof; and two hundred (200) feet in width on each side measured as above, and two thousand (2000) feet long at the stations in said nation known as Adams, Lebiaetta, Rosedale, Gibson, Muscogee, Summit, Oaklaha, Checotah, Bond and Eufaula, numbered respectively in the Plats filed in the Executive Office 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th and 20th, and Tulsa and Red Fork; and said reservations shall, without the special consent of the national Council thereto obtained, be occupied by any person engaged in any of the trades or occupations not absolutely necessary to the operation of the road; nor shall any

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of the officers, servants or employees of the
said railroads without such special consent
of the Council be permitted to engage
in mining any coal, iron, copper, lead,
silver, gold or other minerals that may
be found to abound in said reservations;
it being expressly understood that the
said reservations are to be used for the
purpose of facilitating the manage-
ment of the business of the roads, such
as would arise from the location thereon
of depots, station houses, machine shops,
officers, servants and employés thereof
all of which shall in all respects be sub-
ject to the Indian intercourse laws of the
United States.

Be it further enacted, that the authority to represent the
Dea. 3 Muscogee (Creek) nation in conducting and perfect-
ing negotiations either with the authorities of the
railroad companies or the Secretary of the Interior
in accordance with the provisions of this act,
is hereby conferred upon the national dele-
gation appointed and confirmed by act of the
national Council, or such other person or per-
sons as may hereafter be in like manner au-
thorized thereto; who shall make such terms
with said authorities as will secure to them the
free use and occupancy of the reservations

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herein designated at such price or rental per acre as shall be fair and just to the nation, the same to be either perpetual or for a stated term of years with privilege of renewal; but in no case shall they sell to the said railroad or other authorities the fee absolute in any lands so negotiated, nor shall said negotiations operate to dispossess any citizen of his rights originating within the limits of said reservations prior to the date of January 12th 1883, such persons being hereby left free to make individual terms as provided in Section 1st of this act. And the Principal Chief is hereby directed to file in the offices of the Secretary of the Interior of the United States and the authorities of the companies operating said M. K & T and St. L. and S. F. railroads, duly authenticated copies of this act at as early a date as practicable.

Respectfully submitted
Frank Goddin
Chairman,
Committee

E. Hildreth
etc

Adopted
SAC. Henry Thompson
OK (over) Pres'tr

Air Act
Defining rights of
railroads

A. P. Mck,
(C.R.)

A.O.O.
P.O.

Concurred in
Hrs. J. Adams.
Sp. At W.

Approved Nov. 4, 1950

J. C. Gammie
Secretary